



Appeal Decision

Site visit made on 8 December 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/A0665/W/20/3259072

Land adjoining Crown Inn Cottages, Fingerpost Lane, Norley, Frodsham WA6 8LA

- 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 Robert Foden against the decision of Cheshire West & Chester Council.
 - The application Ref 17/05154/FUL, dated 1 December 2017, was refused by notice dated 12 March 2020.
 - The development proposed is detached dwelling, detached garage and associated access and parking arrangements.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. During the course of the planning application the proposal was amended from '*construction of a pair of semi-detached cottages with associated access and parking provision*' to '*detached dwelling, detached garage and associated access and parking arrangements*'. The description of development above and site address is therefore taken from the revised application form, dated 18 October 2019. The Council determined the proposals on the basis of the amended scheme and so shall I.
3. I have also had regard, and in accordance with Paragraph 30 of the National Planning Policy Framework, 2019 (the Framework) in this appeal decision to the Norley Neighbourhood Plan (NNP), adopted 3 February 2016, which the Council provided as part of their appeal submission.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The exceptions are set out in paragraph 145 of the Framework, and include (e), limited infilling in villages; and (g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in a continuing use which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where development would contribute to meeting an identified affordable housing need.
7. Policy STRAT9 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies, 2015 (LPP1) sets out that development will be restricted in line with the Framework. There is no definition in the Framework of limited infilling, but the LPP1 in supporting text of Policy STRAT8 defines infill development as the filling of a small gap, up to two dwellings, in an otherwise built up frontage in a recognised settlement. It is therefore reasonable for the Council to set out the interpretation of the policy.
8. Furthermore, this definition is supported by the NNP at Policy HOU1 (A). The NNP policy also advises that within the settlement boundary, new housing shall be in accordance with Policy STRAT8. In this case, Norley is identified as a Local Service Centre and the appeal site within the defined settlement boundary for the purposes of Green Belt policy.
9. The appeal site is a vacant piece of land which is enclosed by existing fencing and consists of hardstanding and remnants of previous structures. Its appearance is unmaintained and in part overgrown from vegetation/trees. To the West of the site is a row of terraced dwellings from a conversion of a former public house/commercial premises, however these front Hough Lane with enclosed garden areas to the rear. A separate enclosed area directly abuts the appeal site which appears to be utilised for car parking. To the North, the curtilage of the property known as 'Newhaven' adjoins the site but again this property fronts Hough Lane with no access from Fingerpost Lane.
10. Directly to the East of the site, the land is part of a wooded area identified on the Tree Preservation Order from 1974 as a group of (A10) extending along boundaries with a further Ash tree identified to the west entrance of 'Holly Mount' (T18). A long area of hedgerow runs directly from the east of the site along Fingerpost Lane to the access point of 'Holly Mount', which is set in substantial grounds and considerably away from the frontage of Fingerpost Lane. The hedgerow continues for some distance up to Yearsleys Lane.
11. As such, despite the proposals being within a recognised settlement, for one dwelling, the appeal site would not be well related to existing residential development or built form particularly to the West and neighbouring properties

to either side are widely separated from the site. It could not be considered that it would represent the filling of a small gap, in an otherwise built up frontage, neither do I agree that it would be a rounding off of the built form of the village. Even, if I were to agree with the appellant's contentions that it formed a small gap itself, there is no built up frontage given that development is sporadically placed along this part of Fingerpost Lane, and the general character of the immediate area neither forms a row or any linear development of a continuous or other built up frontage including dwellings or their associated buildings.

12. Therefore, for the reasons given above the proposal would not be limited infilling in villages. It would therefore not satisfy the criteria of Policy STRAT9 of the LLP1. Furthermore, it does meet the exception in that of the Framework, with reference to paragraph 145(e), as it would not form limited infilling in villages. As such, it would be inappropriate development in the Green Belt.
13. There is no disagreement between parties that the site constitutes PDL, however the site is now vacant, although hardstanding exists there appears to be no built structures remaining. Therefore, as set out above, the Framework makes provision for the redevelopment of PDL, which would not have a greater impact on openness of the Green Belt than the existing development. The new dwelling would be constructed on land which has been occupied by a permanent structure. However, my conclusions on the next issue, its effect on Green Belt openness and purposes, will determine whether the development is inappropriate in this regard.

Openness

14. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element.
15. The appeal site is situated along Fingerpost Lane and comprises of a parcel of land which is not occupied by any built form. The erection of a sizeable single storey detached dwelling with detached garage and car parking, hardstanding, associated domestic paraphernalia and there would be some loss of tree coverage due to the excessive pruning required, would therefore, have an adverse impact on openness. The appeal site is clearly visible from public views along Fingerpost Lane, and glancing views from the wider area including Hough Lane and Gallowsclough Lane. I acknowledge the landscaping proposals but, given the proposal is for built form, it would be clearly discernible in those views.
16. For the above reasons, the proposed development would harm the openness of the Green Belt in both visual and spatial terms. The scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

Other Considerations

17. Although the proposed development would not cause any harm to the living conditions of neighbouring properties, flooding, highway safety and ecology. Be within a sustainable location for access to local shops and services, albeit

limited, and the dwelling itself being constructed of acceptable materials and design. These considerations do not outweigh the harm caused by the development and as such, are a neutral consideration.

18. The appellant refers to sustainability and climate change and that the proposed dwelling is designed to minimise heat loss, achieve passive solar gain, reduce artificial lighting and energy consumption, use of sustainable sources of materials, be water efficient and reduce surface water run-off, and there would be future practical opportunities for the use of solar panels. Nevertheless, these factors are neutral considerations in support of the appeal.
19. The appellant refers to the Framework and that it is supportive of positive planning and sustainable development. Whilst this may be the case, it is not without caveats, including the aims for protection of Green Belt land. Compliance with some policies in the Framework and the development plan is a neutral factor.
20. I have had regard to the allowed appeal decisions¹ the appellant has brought to my attention. The evidence submitted with regard to these is limited. As such, I cannot be sure that they represent a direct parallel to the appeal proposal. However, I note that the cases relate to relatively regular plots within linear road frontages or lengthy runs of ribbon development, while others were found to be consistent with the context and urban grain of the settlement and in one instance the Council were unable to demonstrate a 5-year housing supply.
21. The neighbouring permission relates to a replacement dwelling (ref 12/03666/FUL) and (ref 16/05617/FUL) relates to extant permission with (ref 14/01129/OUT) clearly pre-dating the adoption of the Council's local plan and absence of 5-year housing land supply at that time. On the evidence before me, schemes elsewhere do not provide a justification for the appeal scheme. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.
22. The appellant suggests that the proposal would meet local community needs, I have no substantive evidence of this. The Council can demonstrate a 5-year housing land supply. One dwelling would in any case make a minimal contribution to the overall supply. Some economic benefits would arise from, for example, the purchase of building materials and jobs during the construction period. Future occupiers would also contribute to the local economy and towards the viability of local services. I accept that there would be some environmental benefits as the site has been degrading over the years and there appears to have been limited maintenance. However, again given the modest scale of the development such benefits would be limited.

Planning Balance and Conclusion

23. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness, which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
24. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to

¹ APP/B3438/W/18/3214689, APP/A0665/W/15/3016547, APP/P3420/A/14/2222484

the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

25. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
26. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR