



Appeal Decision

Site visit made on 20 April 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/R0660/W/20/3261351

Land at London Road, Walgherton, Nantwich

- 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 Boars Head Estates LLP against the decision of Cheshire East Council.
 - The application Ref 19/0046N, dated 21 December 2018, was refused by notice dated 13 July 2020.
 - The development proposed is an outline planning application for 2no. dwellings with access considered.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved save for the means of access to the site and I have determined the appeal on that basis. I have had regard to the plans showing the proposed positions of vehicular accesses and an indicative layout of a residential development on the site.
3. From the evidence before me, the Cheshire East Allocations Development Plan Document is subject to outstanding objections. In accordance with the requirements of Paragraph 48 of the National Planning Policy Framework, it is therefore of limited weight in the determination of this appeal.

Main Issue

4. The main issue is whether or not the site provides a suitable location for housing.

Reasons

5. The site is an area of rough grassland forming part of a larger field extending about the Boar's Head public house which is located at the junction of London Road (A51) and Wybunbury Road / Crewe Road. The site fronts on to London Road where the boundary leads directly on to the roadside verge. The land rises slightly to an open boundary to the rear and incorporates two mature trees along its frontage and a stand of mixed evergreens and deciduous trees close to its centre.
6. The application seeks the erection of 2 market dwellings. The indicative layout suggests that the site would be divided almost equally in two to provide similar length frontages. It shows that the detached dwellings might be located close

- to the new central boundary line with vehicular access points and detached garages located on the outside of the mature trees on the site frontage.
7. Policy H1 of the Wybunbury Combined Parishes Neighbourhood Plan 2010-2030 (NP) [2020] seeks to direct new housing to named settlements to enhance their sustainability whilst protecting the surrounding countryside. The site lies within an area designated as Open Countryside in the Cheshire East Local Plan Strategy 2010-2030 [2017] (CELPS). Policy PG6 of the CELPS seeks to restrict development in the Open Countryside to that primarily required in conjunction with rural land uses. However, the policies list some exceptions that may be made including, amongst other things, the limited infilling in villages or the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere. This reflects the provisions of saved Policy RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan [2005] (CNLP).
 8. The site lies close to a limited group of older buildings about the crossroads including the pub, a listed cottage and a pair of listed gate lodges. The Boar's Head car park lies between the pub and the south-eastern boundary of the site. A detached residential dwelling, known as Oaklands, lies in a modest plot to the north-west. Some additional residential properties lie further to the north-west and 3 modern houses lie on the opposite side of the road. The buildings are surrounded by hedged fields in a rolling rural landscape. These fields, including the appeal site, interject between the small groups of buildings such that they appear fragmented and dispersed to provide a distinctly rural character to the locality.
 9. The loose cluster is separated from the nearby settlement area of Wybunbury by open fields to an extent that it appears detached and distinct from that village. The group has little of the formality of the close arrangement of development along paved roads which benefit from street lighting and a built-up area speed limit. Although the small number of buildings along London Road includes a pub and is served by a post box and bus stops near the crossroads, the appearance on the ground is one of low-density dispersed development. Along with the absence of services to support day-to-day living needs, this leads me to the conclusion that the location of Walgherton would not lie within a 'village' for the purposes of Policy PG6 paragraph 3.i of the CELPS or Policy H1 of the NP.
 10. The gap between the existing pub building and the next building at Oaklands is estimated at some 114m according to the Council. Although, the subdivision of the site would provide frontages that would be comparable with some others in the locality, it would equally be capable of serving a substantially higher number of units. However, the proposal would only infill a part of the large gap. The car park to the side of the pub would be retained and have a greater width than the proposed plots. Accordingly, the gap between the existing buildings would be capable of accommodating more than the restricted number of units anticipated under Policy H1 of the NP and Policy PG6 of the CELPS.
 11. Moreover, as previously identified, the spaces between development on this part of London Road cause the buildings to present as intermittent roadside development. It does not therefore appear as a built-up frontage to trigger that provision in Policies H1 and PG6.
 12. In support of the development the appellant has referred me to a number of other appeal decisions. This includes plot widths of up to 50m which reflect plot

sizes in their localities. However, some of these cases are in locations where housing density is higher, where the character of locality is described as ribbon development or is in a run of more consistent housing. In the case of The Byres on Wybunbury Lane, that development was within a domesticated garden area where the effect on the principal aim of protecting the countryside would be more limited. The cases are therefore distinct from the one before me, a case I have considered on its own merits.

13. The appellant also suggests that the site is accessible such that it would be a suitable location for residential development. The land is close to bus stops on a route serving larger settlements including Crewe and Nantwich, however, the service is infrequent. Despite that the level of service may be typical of some rural areas, it would be insufficient to support convenient access to facilities for day-to-day living needs.
14. Furthermore, although some of the services within Wybunbury would be within walking distance, the narrowness and absence of suitable pavements or street lighting along the rural stretch of Wybunbury Road would not provide a safe route for pedestrians or cyclists. Accordingly, the proposed location would require future residents to substantially rely on private vehicles for access to the majority of the services and facilities needed to support the proposed use of the site. Whilst the occupiers of the dwellings could utilise those local services to support their ongoing sustainability, this would not be dependent on the siting of new housing in the specific location of the proposal. It is therefore a benefit of little weight.
15. I acknowledge that a nearby dwelling was permitted at Lilac Cottage which similarly has no public footpath in front of the site. However, I saw that that site is within considerably shorter distance of a footway on the opposite side of Wybunbury Road where it is subject to a reduced speed limit. It is therefore not suitable justification to set aside the harm I have identified in this regard.
16. For the above reasons, I find that the proposal would not constitute any of the listed exceptions to housing development in the countryside. It would thereby conflict with Policies SD1 and PG6 of the CELPS, Policy H1 of the NP and saved Policy RES.5 of the CNLP as they seek to restrict development in the countryside and direct housing to sustainable locations with access to jobs, services and facilities through means other than private motor vehicle.

Other Matters

17. The development would contribute to the supply of housing in the locality. However, this would be in a manner that would conflict with the Council's spatial strategy for the delivery of sustainable housing. In the face of an adequate supply of housing land, the benefit of two additional units is of limited weight.
18. The proposed vehicular access points would provide adequate visibility utilising land within the site or the adopted highway for vehicles turning into and out of the site. Although I note third-party concerns in relation to local traffic speeds, forward visibility to turning traffic at the entrances would be sufficient to avoid undue highway safety concerns.

19. I have noted the other objections from local residents to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters.
20. I acknowledge that the Council's decision conflicted with some advice provided to them prior to submission of the application. However, this does not change my findings or outweigh the harm I have identified.

Conclusion

21. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR