



Appeal Decision

Site visit made on 16 February 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/A0665/W/20/3263017

2 Coronation Villas, Chester Road, Tarvin, Chester CH3 8JE

- 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 Andrew Burton against the decision of Cheshire West & Chester Council.
 - The application Ref 20/01050/FUL, dated 15 March 2020, was refused by notice dated 28 August 2020.
 - The development proposed is described as 'the construction of a small detached house'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site's location within the Tarvin Conservation Area ("the Conservation Area") was not referred to at all in the Council's officer report or, presumably as a consequence of this, in the appellant's statement. As I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, I therefore sought comments from the main parties on this matter. Although the appellant elected not to respond, I am satisfied that having had the opportunity to do so his interests have not been prejudiced. I have had regard to the Council's comments, which are addressed in my reasoning below.

Main Issues

3. The appeal site is within the Green Belt, and the main issues are therefore:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt;
 - Whether or not the development is appropriate for a countryside location;
 - The effect of the proposal on the character and appearance of the Tarvin Conservation Area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development within the Green Belt, openness of the Green Belt

4. The appeal site consists of a modest semi-detached house, No 2 Coronation Villas, and its side garden. The proposal is to sub-divide the plot, building a new two bedroom detached dwelling alongside No 2.
5. The site sits within a small cluster of dwellings outside the main built-up area of Tarvin village, beyond the settlement boundary defined in the 2019 Tarvin Neighbourhood Development Plan ("the TNDP") and within the Green Belt. 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, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy STRAT 9 of the 2015 Cheshire West and Chester Local Plan (Part One) Strategic Policies ("the Part One Plan") sets out the Council's strategic approach to development in the countryside, and indicates that within the Green Belt restrictions on development will be applied in line with the requirements of the Framework. Policy DM 19 of the 2019 Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies ("the Part Two Plan") indicates that proposals for residential development within the Green Belt should accord with national policy. In this regard Policies STRAT 9 and DM 19 are consistent with the Framework.
6. Paragraph 145(e) of the Framework allows for limited infilling in villages. 'Infill' is defined in the Part One Plan as the filling of a small gap in an otherwise built-up frontage in a recognised settlement, which based on my experience is a reasonable definition of the term. However, the site is outside the settlement boundary, and as a domestic garden it is part of – rather than a gap within – the built-up frontage. The appeal site is neither within the village nor, in my view, can it be regarded as forming a small gap in an otherwise built up frontage. The proposal would therefore not be limited infilling in a village. It has not been suggested that any of the other exceptions set out either in the Framework or in the development plan apply.
7. Essential characteristics of Green Belts, set out in paragraph 133 of the Framework, are their permanence and openness. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site. The site is currently the side garden of No 2 Coronation Villas, and while the appellant indicates that there have been outbuildings on the site previously there are none at present.
8. The proposed dwelling would increase the amount of built form on the site, and so would reduce the spatial openness of the Green Belt. It would also partially close off views from Chester Road and the fields to the south across the appeal site to the other dwellings on its northern side, and vice versa. Accordingly, the development would also reduce the visual openness of the Green Belt. Given the modest size of the proposed dwelling, I consider that this would amount to causing moderate harm to the openness of the Green Belt.
9. I conclude that, in line with paragraph 145 of the Framework, the proposal would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial

weight in the planning balance. The development would cause moderate harm to the openness of the Green Belt, and would conflict with Policy STRAT 9 of the Part One Plan and Policy DM 19 of the Part Two Plan which seek to protect the Green Belt in line with national policy.

Countryside location

10. The appellant suggests that the appeal site is “directly adjacent to the settlement boundary” of Tarvin and that it could “reasonably be considered to be within the physical extent of the village”. However, in fact the settlement boundary comes no closer to the appeal site than the junction of High Street and the Bypass Road some way to the south east, and for the purposes of the development plan the site is within the countryside.
11. Beyond protecting the Green Belt as described above, the development plan seeks more generally to direct new housing development to identified settlements with the best access to services and facilities, and to protect the intrinsic character and beauty of the countryside by limiting development to that which requires a countryside location and cannot be accommodated within identified settlements.
12. The proposed development is not of a type for which a countryside location is required, as described in Policy STRAT 9 of the Part One Plan and expanded upon in Policy DM 19 of the Part Two Plan. I consider that the proposed dwelling would have a reasonable degree of access to some services as there are various shops and other facilities available within Tarvin, although from what I saw on my site these are a bit further from the appeal site than the 250m walk suggested by the appellant. There is also a bus service which stops on the main road close to the appeal site, offering connections to Chester and other places. However, the proposal would represent the encroachment of further urbanising, or at least suburbanising, development into a countryside location. This would have an adverse effect on the intrinsic value and open rural character of the countryside.
13. The proposal would therefore conflict with Policies STRAT 1, STRAT 2 and STRAT 9 of the Part One Plan, and with Policy DM 19 of the Part Two Plan, which together set out the spatial strategy for the area, direct new development to identified settlements, and seek to safeguard the countryside. It would also conflict with the requirements of the Framework, in particular Paragraph 170 which seeks to ensure that the natural and local environment is enhanced, including through recognising the intrinsic character and beauty of the countryside.

Character and appearance

14. The Conservation Area covers the area around the appeal site known as Tarvin Sands, as well as Tarvin’s village centre. Buildings in the Tarvin Sands area are generally of brick, two storeys high, and with pitched slate or tiled roofs. The proposed dwelling would be of a size and design, including materials, which would complement its neighbours at Nos 1 and 2 Coronation Villas and the other nearby buildings. The Council considered that the character and appearance of the Conservation Area would be preserved, and on the basis of the evidence before me and my observations on site I agree. I therefore conclude that the proposal would comply with Policy ENV 5 of the Part One Plan, as well as with the requirements of the Framework, which seek to protect

the historic environment and conserve and enhance heritage assets. A lack of harm in this respect does not weigh in favour of the proposal, and has neutral weight in the overall planning balance.

Other considerations

15. The appellant has drawn my attention to Policy HG2 of the TNDP, which indicates that outside the settlement boundary “proposals for small-scale residential redevelopment of sustainably located previously developed sites could be acceptable where the rural character can be protected”, and that this “may take the form of either replacement buildings or conversion of existing structures to residential use”. The proposal in this case would not be replacing or converting an existing building and, for the reasons I have set out above, would be harmful to the rural character of the area.
16. The Government’s objective is to significantly boost the supply of housing and the proposal would provide a small modern home in a location with adequate access to services. There would be economic benefits arising in the short term from the construction of the dwelling, and in the longer term from the future occupiers using and supporting local shops, businesses and other services. However, given the adequate supply of deliverable housing sites in the Borough the provision of a single additional dwelling would give only a limited boost to the supply of housing. Any other economic benefits arising from the scheme would also be small. I therefore give these other considerations moderate weight in the overall planning balance.

Planning Balance and Conclusion

17. The proposal would be inappropriate development in the Green Belt, and would cause moderate harm to the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 144 of the Framework. The location of the development beyond the settlement boundary would undermine the Council’s plan-led approach to the delivery of housing, and would be harmful to the intrinsic rural character of the countryside.
18. The proposal would be neutral in terms of its effect on the character and appearance of the Tarvin Conservation Area. I have also considered and weighed the matters in the scheme’s favour which have been put to me by the appellant, but for the reasons I have described above these carry only moderate weight for the proposal.
19. The substantial weight to be given to the Green Belt harm, and the other harm arising from the development identified above, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector