



Appeal Decision

Site visit made on 14 December 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/A0665/W/21/3277537

Church House, Pump Lane, Churton By Aldford, Chester, Cheshire West and Chester CH3 6LR

- 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 & Mrs Rudd against the decision of Cheshire West and Chester Council.
 - The application Ref 19/02479/FUL, dated 28 June 2019, was refused by notice dated 23 December 2020.
 - The development is described as a 'proposed new dwelling to the land north of Church House, Pump Lane, Churton'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the principle of the proposed development with specific regard to its location and the Council's development strategy.

Reasons

3. Policy STRAT 2 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) sets out the Council's strategy for the spread of new development. Its settlement hierarchy explains that, in accordance with the commitment to ensure sustainable patterns of development and its accessibility to services and facilities, it will be first directed to within the largest settlements, then to key service centres (STRAT 8) and subsequently smaller rural settlements that have adequate services and facilities and access to public transport.
4. The appeal site does not fall within any of the largest settlements, nor identified services centres or smaller rural settlements for the purposes of STRAT 2 and R 1 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2). The appeal site is therefore, for planning policy purposes, in the countryside. Policy STRAT 9 of LP1 sets out the exception criteria by which development therein will be permitted. The appeal scheme would not sit squarely with any of the exceptions.
5. With the above in mind, the appeal site would not be a suitable location for new housing with specific regard to the Council's development strategy. It would conflict with the aims of the aforementioned policies which seek, amongst other things, to support sustainable patterns of new development and protect the intrinsic character and beauty of the countryside.

6. Paragraph 80 of the National Planning Policy Framework (the Framework) states, that planning decisions should avoid isolated homes in the countryside unless one or more defined circumstances apply. This includes development where the design is of exceptional quality. The appeal site is not however isolated as it is entirely contiguous with existing residential development in Churton which has a village hall amongst other buildings. If the appeal site is not isolated, the provisions of paragraph 80 do not apply.
7. Paragraph 79 of the Framework sets out that housing should be located where it will enhance or maintain the vitality of rural communities. I have no doubt this would be the case. However, paragraph 78 sets out that market housing would only be considered in rural areas where it would help facilitate affordable housing to meet identified local needs. This proposal, for a single dwelling, would not support the delivery of affordable housing and as such, would not gain support from this provision.
8. A great deal of time has clearly been invested in the design of the proposal which seeks to create a dwelling which would allow the applicant to manage and care for a variety of domestic and exotic animals. The appellant has engaged in pre-application discussions and subsequently made changes to the scheme. The dwelling has also been designed to be flexible to respond to possible changes in the appellant's health and would incorporate various technologies to create a low energy house. Furthermore, the proposal has carefully considered the rural character in terms of its materials, landscape features as well as the ecological value of the land where there is potential for the proposal to provide enhancements.
9. Given the above, I agree with the appellant that there would be no adverse impact on the character and appearance of the locality per se and also accept that the development would preserve the character and appearance of the Churton Conservation Area within which it is located. The Council also accepts that the proposal is well presented and represents good design, but the Framework sets out that the creation of high quality, beautiful and sustainable buildings is fundamental for all development to achieve.
10. Paragraph 134 of the Framework sets out that significant weight should be given to outstanding or innovative designs which promotes high levels of sustainability. Although the house is well designed, and I appreciate the design intent behind the proposal, there is nothing sufficiently compelling before me that demonstrates it is outstanding or innovative. These are high tests.
11. The development would be sensitive to its surroundings and appear attractive in its own right but this does not necessarily mean that it would raise the standard of design more generally in the area. My view in this regard is supported by the findings of the Places Matter Desk Review. The Framework has been updated since this Review and no longer contains reference to the design needing to be 'innovative'¹. I also note the Review considered the provisions of the Framework on whether the proposal was '*truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas*'², rather than paragraph 134 of the Framework. However, it found that the scheme did not meet the

¹ At paragraph 80

² Current paragraph 80 e) first bullet point

required standard and I also do not consider the proposal to be outstanding, innovative or help raise the standards of design.

12. Putting the above aside, and in regard to the objectives of the Council's settlement hierarchy and development strategy, I have not seen a sufficiently compelling argument to suggest that the proposed development specifically requires or is necessarily dependent on a countryside location.

Other Matters

13. The appellant raises Policy DM 24 of LP2 which sets out the requirements for small affordable exception sites. I am however mindful that the appeal scheme is not for, nor has it been secured as, one for affordable housing.
14. I note the erroneous references in the Council's Statement of Case referring to two dwellings, a different Conservation Area as well as in relation to a garage which is an existing structure. I can however confirm that I have had regard to the site and the details of the proposal before me and dealt with the appeal on its own merits.

Conclusion

15. For the reasons given above, the proposal would be contrary to the development plan. There are no other material considerations worthy of sufficient weight, including the approach of the Framework, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

F Rafiq

INSPECTOR