



Appeal Decision

Site visit made on 17 May 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/A0665/W/22/3291244

Blackmare House, Chester Road, Little Budworth, Tarpoley CW6 9EX

- 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 Glynn Richardson against the decision of Cheshire West and Chester Council.
 - The application Ref 21/03431/FUL, dated 13 August 2021, was refused by notice dated 14 January 2022.
 - The development proposed is a development of eight luxury holiday lodges.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the Council's consideration of the planning application, the appellant provided amended plans. These sought to address various concerns including the matter of highway access. The revised scheme was that on which the Council made its decision and I have proceeded on the same basis. For the avoidance of doubt the relevant plans are: Location plan, PL01 Rev G, PL02 Rev H and PL03.

Main Issues

3. The main issues are whether or not the site provides a suitable location for holiday accommodation and the effect on trees.

Reasons

Locations

4. The site is part of a largely undeveloped field to rough grass and bordered by established tree lines with intermittent hedging. It is located within an open rural landscape of predominantly hedged arable fields. The low undulating landscape includes dispersed pockets of clustered housing, farmsteads and woodland.
5. Policies STRAT 1 and STRAT 2 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (the LP1) direct development to designated settlement areas benefitting from services and facilities where travel requirements can be minimised. Policy ECON 3 of the LP1 provides for the creation of new tourism opportunities where this would enhance the existing tourism offer, benefit the local economy and be of a suitable scale and type for its location. It states that smaller scale development will preferably be located in urban areas, key service centres or local service centres or in the countryside where proposals are of a suitable scale, type and protect the

- character of the countryside. The policy aims to 'ensure that visitor accommodation is located in the most sustainable locations that have access to services and facilities and are accessible by a range of transport modes'.
6. Policy DM 9 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) relating to visitor accommodation, states that proposals will be supported where they meet the requirements of Policy ECON 3 of LP1 and, for countryside locations, Policy STRAT 9 of the LP1.
 7. Policy ECON 3 acknowledges that certain types of tourist accommodation may be most appropriately sited in countryside locations. However, beyond small scale caravan and camp sites meeting a demonstrated need, Policy STRAT 9 requires new facilities to be met through the use of existing buildings, the expansion of existing businesses or as agricultural diversification projects.
 8. There is no dispute between the main parties that a niche proposal which would enhance the existing tourism offer would benefit the local economy. It would also contribute to meeting an increased demand following the Covid-19 pandemic. However, the proposal lies outside of any of the supported types of new accommodation in countryside locations specified under Policy STRAT 9.
 9. In the context of seeking to direct new development to the most accessible locations with the aim of minimising the effects of travel and achieving a sustainable distribution of development, I acknowledge that the proposal would be well-placed to enable users to visit other attractions in the area. However, according to the Council, the location is particularly isolated from public transport routes and there is little evidence that modes other than private motor vehicle would be available to safely and conveniently reach those sites. Accordingly, I find that the location is sufficiently distant from those destinations, or other entertainment or shopping facilities, to ensure that the majority of trips generated would be undertaken by private motor vehicle.
 10. In support of this aspect of the development, the appellant refers me to a number of existing facilities that are similarly reliant on the use of private motor vehicles. Furthermore, it is asserted that many existing tourist destinations are dependent on visitors using private vehicles to reach them. Nevertheless, whilst I recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I find the cumulative amount of trip generation resulting from the scale of the site, when taken with the distance to main service centres and visitor attractions, would run contrary to the stated aims.
 11. The requirements of Policies ECON 3 and STRAT 9 are also subject to development protecting the character of the countryside. This requirement of new development is also stated in Policy ENV 6 of the LP1 and Policies DM 3 and DM 9 of the LP2.
 12. The development would be spread across much of the area of the field. This would require significant lengths of surface infrastructure including a new roadway, tracks and parking areas. The buildings, which are of some scale, would be dispersed across the site such that their cumulative effect on the open character of the land would be significant. The appearance of the site would have little relationship to the predominant character of either isolated individual buildings or tightly clustered groups typical of the area.

13. A screen fence and woodland to the southern boundary would restrict views from the south. However, notwithstanding the established trees to the site's borders, the effect of the buildings in the wider rural landscape would be considerable, more so when the trees are without leaves. Although additional planting could provide a degree of mitigation, the necessary removal of a significant area of existing frontage landscaping to facilitate safe access to the site would provide a wide gap where one does not currently exist. This would open-up the site frontage and provide broad views from the adjacent roadway. It would limit the ability to assimilate the proposed development.
14. In support of the proposal, the appellant refers me to a previous decision¹ made by the Council to grant planning permission for 23 lodges at a nearby farm. Notwithstanding that objections were raised in terms of landscape impact, the scheme was approved in 2013. However, there is limited information provided on the circumstances of that decision, including whether it formed part of an agricultural diversification project or other listed exception. Moreover, it was approved under the terms of a previous development plan.
15. Whilst I note that decision, precedent is rarely an argument that should carry great weight in planning decisions which should be made on their own merits in the context of the development plan and other material considerations. In this instance, I am not persuaded that a scheme identified to cause harm to the character of the countryside provides a sound reason to support another development which would cause similar harm.
16. A scheme for various types of accommodation approved under planning permission ref. 18/020605/FUL is also referred to. According to the Council, this was located adjacent to a settlement boundary in a location appearing relatively urbanised in comparison to isolated rural sites. It was sited adjacent to an existing caravan site and had access to Winsford town centre. Accordingly, the effect of the development in both travel requirements and on the character of the countryside were more limited than that proposed here.
17. For the above reasons, I find the proposal would conflict with the Council's strategy for directing new development to the most sustainable locations and protecting the character of the countryside. It would conflict with Policies STRAT 1, STRAT 2, STRAT 9, ECON 3 and ENV 6 of the LP1, Policies DM 3 and DM 9 of the LP2 and the National Planning Policy Framework (the Framework) as they seek to direct development to the most sustainable locations whilst protecting the intrinsic character and beauty of the countryside.

Trees

18. Policy DM 45 of the LP2 requires all significant healthy trees to be integrated into a development scheme. Only, where it is demonstrated that retention is not possible will the of replacement planting be appropriate.
19. The proposed access road and splays would encroach considerably into the identified root protection areas (RPAs) of 2 significant trees on the site frontage and potentially 2 large trees close to the eastern boundary. These trees are acknowledged as part of the site's main arboricultural interest in the appellant's Tree Survey and Constraints Report. However, there is little assessment of the effects of the proposal on those, or other trees, lying close to the areas of

¹ 12/05303/FUL

proposed development. A recommended Arboricultural Impact Assessment has not been provided to support the appeal.

20. The encroachment into the RPAs, as calculated using BS 5837:2012, and defined as the minimum area about a tree sufficient to contain rooting volume to maintain its viability, would have some effect on the trees' health. Accounting for the fact that the 2 notable trees on the frontage already have a large part of their RPAs covered by the adjacent roadway, there is little before me to demonstrate that their long-term retention would be viable as part of the proposal. As a policy requirement to justify any loss of important trees, it would not be possible to require this through a planning condition as this could nullify the benefit of any permission it was attached to. It would thereby fail the relevant test of reasonableness set out in Paragraph 56 of the Framework.
21. It is not therefore possible to conclude that the classified Category A trees could be retained without causing adverse effects on their health or considerably reducing their anticipated life expectancy. Accordingly, I find that the appellant has failed to meet the requirements set out in Policy DM 45 of the LP2 as it promotes the conservation of existing trees.

Other Matters

22. According to the appellant, the proposal could be delivered quickly. It would deliver additional local economic benefits through the construction phase of the development. However, those benefits would be relatively short lived in the context of the likely lifespan of the development. Although benefits of the scheme, they would not be significant in the scale of the borough economy and are therefore limited. The development would potentially encourage health and wellbeing. However, this is not exclusive to the location proposed. It is therefore a matter of limited weight in the appeal.
23. I recognise that the site layout would include a balancing pond and provide opportunities for ecological improvements. However, as requirements of the development plan, sustainable site drainage and biodiversity enhancement on the site are not benefits in favour of the development. The 'unkempt' appearance of the site is not a matter that weighs in favour of a development in conflict with the development plan.
24. I note the other matters raised by third parties, however, pursuant to my findings on the main issues, my decision does not turn on those matters.

Conclusion

25. The proposal would be dependent on access by private motor vehicle. It would harm the character and appearance of the area and potentially result in the demise of existing trees worthy of retention. Whilst some economic benefits would arise from the development, they would not outweigh the totality of the harm identified. The development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

R Hitchcock INSPECTOR