



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: 26 May 2022

Appeal Ref: APP/A0665/W/21/3289966

Adjacent to Rose Farm, Clotton, Tarporley CW6 0EG

- 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 Martyn Abram against the decision of Cheshire West and Chester Council.
 - The application Ref 21/00802/FUL, dated 23 February 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the erection of a 4-bedroom detached dwelling. (New house on plot adjacent to Rose Farm, Clotton, Tarporley, Cheshire. Has had permission but has lapsed. Got pp on appeal)(sic).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property lies within the Clotton Conservation Area (the CA) and close to Tollemache House, a Grade II Listed Building. There is no dispute between the main parties that the proposed development would not have an adverse effect on the character or appearance of the CA, or on the setting of the Listed Building.
3. In respect of discharging the duties under s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have visited the site and had regard to the main parties' submissions. Noting the siting, design and external materials of the proposed dwelling and the mixed age, appearance and layout of development in the locality, it is my view that the development proposed would preserve the character and appearance of the CA.
4. Furthermore, for reasons of the existing arrangement of development, the relative containment of Tollemache House and the degree of visual separation between the proposed development and the Listed Building, it is my view that the development proposed would preserve the setting of the designated heritage asset. I shall make no further reference to these matters.

Main Issue

5. The main issue is whether or not the site would provide a suitable location for new housing.

Reasons

6. The site appears as a maintained grassed garden area with a number of established trees and bushes upon it. It is set behind a low hedge and forms a green interlude in an otherwise built-up frontage on the south-western side of

the road (A51). The flanking buildings form part of a community group of principally residential and commercial properties clustered about this part of a main route between Chester and Crewe.

7. As required by the National Planning Policy Framework (the Framework), the Council's spatial approach to providing its housing need requirement is set out in the policies of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1). Policy STRAT 1 states that new housing should be located with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport.
8. The site lies in the Rural Area of the borough where housing is limited to that which meets local needs in the most accessible and sustainable locations. These are identified as key service centres under Policy STRAT 8 of the LP1 and some local service centres listed in Policy R1 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2). Clotton is not identified as a key or local service centre. Significantly, the Council's infill strategy is only supported in those settlements as identified in Policy STRAT 8 of the LP1 on account of the limited outstanding rural housing requirement.
9. As a location lying outside of any defined settlement where new housing is considered acceptable, development is limited to that which requires a countryside location and cannot be accommodated within identified settlements. Notwithstanding that the locality consists of mixed residential and commercial premises distinct from the surrounding open fields, it remains a countryside area for the purpose of the assessment of housing locations. Accordingly, I find that there is little before me to indicate that the proposal meets any such requirement, or an identified local housing need as provided for under Policy DM 19 of the LP2 and Policy H1 of the Clotton Hoofield Neighbourhood Plan (the NP).
10. Furthermore, of the local businesses, I am not directed to any which cater for day-to-day living needs. This would result in a requirement to travel to larger settlements which provide such services. According to the Council, the nearest separate settlement of Duddon is some 1.7 km away. Although it is identified as a local service centre, the extent of services is very limited and such that travel further afield would be necessary to meet such needs.
11. At the time of my site visit, albeit a snapshot in time, the A51 was moderately trafficked but included larger vehicles and vehicles travelling at speed. It would deter all but the most confident of cyclists. Furthermore, the distance to convenience services and limited width of the roadside footpath would not be conducive to practical or safe use – particularly for those in charge of young children or with restricted mobility.
12. I note that there is a regular bus route along the A51 between Crewe and Chester. However, this is infrequent and unlikely therefore to limit the use of private motor vehicles to access the majority of services, employment opportunities or recreational sites. Even accounting for the potential for home working and a primary school on the fringes of Duddon, I find the burden for travel would be significant in the location.
13. I acknowledge that residents in Dutton are similarly likely to be reliant on travel by private motor vehicle to reach shopping and other service

- destinations. Despite its recognition as a local service centre, this does not provide a strong argument for increasing travel requirements elsewhere.
14. I acknowledge that there are businesses located nearby, however, the majority are highly specified such that their use would likely be infrequent in conjunction with the occupation of the dwelling. Furthermore, there is little before me to suggest that these would provide realistic options for employment for the intended occupiers of the dwelling such that travel needs would be limited.
 15. I note the appellant's contention that the Government intends to prevent the sale of fossil fuel burning cars by 2030 to reduce CO₂ emissions. Although this would contribute to reduced emissions in the locality, this would not reduce the need to travel to and from it. In addition to the energy and materials involved in vehicle construction, this would require energy consumption from other sources to power such vehicles. It is not therefore a compelling argument in support of a location remote from services.
 16. In support of the proposal, the appellant refers me to the provision in Policy DM19 of the LP2 which permits the redevelopment of previously developed land. However, this is subject to either the land being on the Council's Brownfield Land Register or the replacement of buildings subject to a number of qualifying criteria. There is little before me to indicate that the land is registered as a brownfield site. Furthermore, the proposal would not replace an existing building. It would therefore fall outside the scope of the provisions in Policy DM19.
 17. I note the appellants contention that the national policy for Green Belt locations permits infill development in similar circumstances and encourages sustainable development in rural areas to maintain and enhance the vitality and viability of rural communities. However, such provision is not without regard to the Council's housing or other policies which may impose other restrictions.
 18. As an area with a high number of minor settlements, and therefore significant potential to accommodate housing across the Rural Area, the LP policies reflect the requirement in the Framework to identify opportunities for growth in response to reflecting the local need. The need is to be accommodated in what the Council considers to be the most sustainable locations. I therefore find there is no conflict with the Framework such that reduced weight should be afforded to the relevant local plan policies.
 19. I also note the aspirations of the local community in providing opportunities for people to move back to the village into new properties they can afford to buy. However, there is little evidence to support the extent of any such outstanding need or whether the proposal would meet that aim. This is a matter to be reviewed in the NP in due course to establish whether infilling will be necessary to meet that objective.
 20. The appellant has referred me to a recent appeal decision¹ located elsewhere in the borough. That decision related to the replacement of an existing building on previously developed land. It was located close to a significant settlement and benefitted from both access to an outlet providing for day-to-day living needs and other services along safe walking and cycling routes. It is therefore distinct from the case before me.

¹ APP/A0665/W/21/3288359

21. For the above reasons, I find that the proposal would conflict with the Council's spatial strategy for locations for new housing. It would conflict with Policies STRAT 1, STRAT 2, STRAT 8 and STRAT 9 of the LP1, Policy DM 19 of the LP2, Policy H1 of the NP and the Framework as they seek to direct new housing to the most sustainable locations.

Other Matters

22. The proposal replicates a previous development on the site which was initially granted planning permission in 2008. However, there is no dispute between the main parties that this, and a later permission extending the time for its implementation, were not implemented and have since expired. It does not therefore offer a fallback position of weight in the circumstances of the case. Moreover, the granting of planning permission in that instance was prior to the adoption of the current development plan and the National Planning Policy Framework. Having regard to the duty under s38(6) of the Planning and Compulsory Purchase Act 2004 it is not, therefore, a reason to depart from the current development plan.
23. The development would contribute to the supply of housing and diversify the stock of rural housing making effective use of the land. It could be constructed in a manner to limit CO₂ emissions. However, in the face of an adequate supply of housing land, the benefit of a single additional unit of housing is a matter of limited weight.
24. In support of the proposal, the appellant indicates that the development would enable him to downsize to a smaller dwelling. However, there is little evidence to suggest this forms part of an identified local housing need, or that it could not be met elsewhere in the locality in accordance with the development plan. It is therefore also a matter of limited weight in the appeal.

Conclusion

25. The proposal would conflict with the Council's spatial strategy for new housing distribution and 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, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR