
Appeal Decision

Site visit made on 20 June 2022

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th June 2022

Appeal Ref: APP/A0665/W/22/3291472

**Hooton Grange Garage, New Chester Road, Hooton, Ellesmere Port
CH66 6AQ**

- 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 Mr W Homan-Russell against the decision of Cheshire West & Chester Council.
 - The application Ref 19/04361/OUT, dated 29 November 2019, was refused by notice dated 5 August 2021.
 - The development proposed is an application for outline planning permission for domestic dwellings to replace the present commercial activities operating from this site.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have used the address from the decision notice in the header as it includes the road name.
3. The application is in outline with all matters reserved. I have dealt with the application on this basis. The indicative layout and house types show how the site could be developed but they do not form part of the application.

Main issues

4. The appeal site lies within the North Cheshire Green Belt. The main issues are:
 - (1) whether the proposal represents inappropriate development in the Green Belt;
 - (2) the effect on the character and appearance of the area;
 - (3) whether the use would result in a sustainable pattern of development, with particular reference to accessibility to services;
 - (4) the effect on highway safety;
 - (5) the effect on biodiversity; and,
 - (6) whether any harm to the Green Belt and any other harm is clearly outweighed by other considerations, so as to constitute very special circumstances.

Reasons

Inappropriate development

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless it is one of seven specified exceptions. The final exception (g) includes the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness than the existing development. The definition of previously developed land within the Framework includes land that was occupied by permanent structures, including the curtilage of the developed land. Policy STRAT 9 of the Part 1 Local Plan¹ indicates that restrictions will apply to development in the Green Belt in line with the Framework.
7. The site contains vacant single-storey buildings, other structures, and abandoned vehicles and machinery, reflecting its previous use as former vehicle repair garage, breakers, and scrapyard. The existing development is mainly grouped within a walled area with a hardstanding lying central to the buildings. Whilst the majority of the site is not developed, the part that is free from structures forms part of the curtilage of the developed land. The site comprises previously developed land.
8. Much of the site is woodland with a significant block lying between the group of buildings on the site and New Chester Road. Further tree belts lie between the buildings and open land to the north and the access drive and housing development to the south. As a result only a minority of the site is developed and the buildings and structures are inconspicuous from public viewpoints.
9. The existing development might be visible in the winter months when trees are not in leaf. The quantum of proposed development is not specified within the application, albeit supporting information refers to up to 9 or 11 dwellings. However, it is highly likely that residential development of the site would lead to an increase in ground coverage and bulk of buildings on the site and a more conspicuous development, even if some tree cover is retained. Therefore, there would be harm to the spatial and visual dimensions of openness. The fact that there are urban influences nearby such as the dual carriageway, the M53 motorway, and the adjacent housing estate, does not alter my findings in relation to the effects on the openness of the appeal site itself.
10. Accordingly the redevelopment of the land would have a greater impact on openness than the existing development on the site. The proposal would represent inappropriate development.

Character and appearance

11. Despite the presence of buildings, structures, and scrap vehicles/machinery, the site has the appearance of woodland from surrounding viewpoints. Adjoining land to the north and west and on the opposite side of the A41 comprises open grazing and agricultural land. In combination this results in a

¹ Cheshire West & Chester Council Local Plan (Part One) Strategic Policies

band of open countryside between the development around Hooton Crossroads and the M53. As such the site contributes to the predominantly rural character of its immediate surroundings, despite the nearby urban features and traffic noise.

12. The development of the site for housing would inevitably change the character and appearance of the site from one that contributes to, and forms part of, the countryside, to one with a more urban feel. A housing layout providing 9 to 11 dwellings, with associated access arrangements, would require the removal of a significant number of trees. Although many of the trees are assessed in the arboricultural report as being in poor condition, as a whole the woodland contributes to the character of the area. There would be a spread of development into this belt of countryside.
13. The loss of the derelict buildings and abandoned structures would be a benefit but, as previously explained, they are inconspicuous and their removal would not outweigh the harm which would be caused by the fundamental change in character of the site.
14. For the above reasons the development would unacceptably harm the character and appearance of the area and conflict with Policy STRAT 9 of the Part 1 Local Plan as the intrinsic character and beauty of the Cheshire countryside would not be protected by the development.

Sustainable pattern of development

15. The appeal site does not lie within a location where development is supported by the spatial strategy of the Local Plan. It is not within or adjacent to a Town, Key Service Centre or Local Service Centre as identified by Policy STRAT 2 of the Part 1 Local Plan and Policy R1 of the Part 2 Local Plan². Policy STRAT 9 limits development in the countryside to particular types which does not include housing. The existence of the adjacent established housing does not change the current planning status of the location.
16. A regular bus service passes the site with a bus stop close to the site frontage and there is a pub and hotel nearby. Hooton Railway Station is about a mile to the west. Employment opportunities exist in the surrounding area. However, otherwise there are limited services within walking distance and most journeys would need to be undertaken by private vehicle. For example, the nearest primary school and convenience shop at Childer Thornton would not be readily accessible on foot.
17. In conclusion, the proposal would not result in a sustainable pattern of development, with particular reference to accessibility to services. There would be conflict with Policies STRAT1, STRAT2, STRAT9 and STRAT 10 of the Part 1 Local Plan and Policy R1 of the Part 2 Local Plan as Hooton is not identified as a location for housing development by the settlement hierarchy of the local plan and there would not be good accessibility to local services and facilities, including primary schools and local shops. Whilst Policy STRAT 1 encourages the use of previously developed land, the policy limits this to sustainable locations.

² Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies

Highway safety

18. There is an existing access into the site directly off the A41 north bound carriageway. The access has restricted radii kerbs and limited visibility to the south due to the curve in the road and the presence of overhanging vegetation. Although there is a 40 mph speed limit, vehicles accelerate away from the traffic lights at Hooton Crossroads such that using the access can be hazardous. In addition there is an existing gap with limited width in the central reservation opposite the access, which is likely to encourage unsafe manoeuvres, slowing down and stopping on the main road where traffic is free flowing.
19. The site has been used by commercial vehicles and a resumption of the use could be undertaken without any requirement for access or highway improvements. Access is a reserved matter. However, there is no comparison of the type and frequency of vehicle movements associated with the existing and proposed uses before me. Despite the submission of a plan showing an entrance with radii kerbs and visibility splays³, there are insufficient details of how a safe access overall could be achieved onto the busy dual carriageway and how the A41 would need to be adapted to safely accommodate the development.
20. Therefore, I am unable to conclude that the development could be accessed safely or that it would not increase hazards on the A41. There would be conflict with Policy STRAT10 of the Part 1 Local Plan and T5 of the Part 2 Local Plan as the proposal has not demonstrated that traffic can be accommodated safely and satisfactorily within the existing highway network or that safe provision for access to and from the site can be made. In reaching this conclusion I have had regard to the comments of National Highways⁴.

Biodiversity

21. The majority of the site is wooded, comprising priority habitat lowland mixed deciduous woodland. Although the quantum of development is unknown and smaller areas of woodland could be retained within the site, the overall amount of woodland is likely to be substantially reduced. Furthermore, remaining areas would be vulnerable to human disturbance. The development would not be capable of maintaining or increasing the quantity of priority habitat. This in turn, notwithstanding the survey information, could adversely impact on protected or priority species such as bats and hedgehogs. It has not been demonstrated that biodiversity net gain can be achieved having regard to the biodiversity metric calculation and its inputs.
22. Accordingly the development is likely to lead to a net loss in, and harm to, biodiversity. There would be conflict with Policy ENV4 of the Part 1 Local Plan and Policies DM44 and DM45 of the Part 2 Local Plan as the development would be likely to result in a net loss of natural assets and woodland.

Other considerations

23. The removal of the vehicle repair, breakers and scrapyard use would be beneficial for the living conditions of nearby residential occupiers.

³ Proposed Site Layout 130/21/DSK1

⁴ Formerly Highways England

24. The Council suggest that there is insufficient information about potential contamination on the site arising from the previous use. However, removing any contamination from the site would be a necessity to allow housing to go ahead. Taking into account the Preliminary Risk Assessment and what I saw of the site, there is nothing to suggest that contamination is not capable of being remediated. Whilst further investigation would be required to ascertain the exact nature of contamination and what remediation would be necessary, such matters could be addressed by conditions. In this respect, the ability of the housing development to secure the removal of contaminated ground should be seen as an environmental benefit.
25. There would be economic and social benefits arising from the provision of new homes such as construction jobs, increased local spend and use of local services, and the potential for a mix of dwellings to meet local demands and needs. These benefits have not been quantified but would be likely to be significant.

Planning balance and conclusions

26. I have found that the proposal would be inappropriate development in the Green Belt. Substantial weight should be given to the harm to the Green Belt. I have also found harm in relation to the character and appearance of the area, an unsustainable pattern of development, highway safety and biodiversity. Each of these harms should be attributed not less than moderate weight. Balanced against these harms are the benefits arising from the removal of the vehicle repair and dismantling use for living conditions and contamination and the economic and social benefits which would result from new housing. The benefits arising for living conditions and from the removal of contamination should each be attributed moderate weight. I attach significant weight to the economic and social benefits arising from the provision of new homes.
27. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. I conclude that the substantial weight to be given to Green Belt harm together with the other harm that I have identified is not clearly outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, there would be conflict with the Framework and Policy STRAT9 of the Part 1 Local Plan.
29. For the reasons given above the appeal should be dismissed.

Mark Dakeyne

INSPECTOR