
Appeal Decision

Site visit made on 24 October 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 30 October 2017

Appeal Ref: APP/A0665/W/17/3179895

Land adjacent to The Vicarage, Ollershaw Lane, Marston, Northwich CW9 6ER

- 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 Phillip Lunn against the decision of Cheshire West & Chester Council.
 - The application Ref 17/00239/OUT, dated 18 January 2017, was refused by notice dated 11 May 2017.
 - The development proposed is the erection of a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration. An indicative layout has been submitted. This has formed part of my consideration of the appeal.
3. The Council have confirmed in writing that Policy GS3 of the Vale Royal Borough Local Plan was replaced by Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (Local Plan). I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and beauty of the countryside;
 - whether the proposal would result in a sustainable pattern of development, having regard to the site's countryside location and its accessibility to local employment areas, shops and services; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt and outside the settlements identified in the hierarchy set out in Local Plan Policy STRAT2. Local Plan Policy STRAT9 explains that *the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements*. The appeal scheme does not fit into any of the types of development that will be permitted through Local Plan Policy STRAT9. However, the policy also explains that *in settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the Framework*.
6. The Framework establishes that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 89. Such exceptions include the *limited infilling in villages*. The appellant considers the appeal site to be part of the village of Marston. However Marston is roughly a mile away to the south-west along Ollershaw Lane and next to Wincham. Between the appeal site and Marston are fields used for agriculture and there is little development other than occasional pockets either side of the lane. In my view the site is not therefore part of the village of Marston.
7. Nevertheless, the appeal site lies in-between The Vicarage and a row of semi-detached and detached dwellings that line the north-east side of the lane. The Old Rectory adjoins The Vicarage to the south. Thus, the site is a gap in this short extent of built form along the lane. While, the site is not part of the village of Marston, the term village is not defined by the Framework or by policies in the development plan. Hence, consideration of the appeal site's context is required. The row of properties next to the appeal site extends to, and joins, a small row of properties that line Marston Lane. There are also occasional properties and farmsteads to the north of Marston Lane near to its junction with Ollershaw Lane. However, I do not consider this to be anything more than a hamlet of properties.
8. Consequently, the appeal site would not, despite its scale, amount to infilling in a village. Nor would it, despite the development either side of the appeal site, with regards to Local Plan STRAT8, be an infill development in a recognised settlement defined in Local Plan STRAT2, even if I were to attach this policy a limited weight. It is therefore inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 88 states that substantial weight should be given to any harm to the Green Belt. The proposal would also be contrary to Local Plan Policy STRAT9 which broadly reflects the provisions of Framework paragraph 89.

Openness and purposes

9. The Framework sets out that 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.
10. The appeal site does not positively contribute to a sense of openness. This is due to the boundary treatment and the presence of a building on the land, which is set back towards the rear of the site. However, a dwelling would rise above the boundary fence. Moreover a dwelling, as indicatively shown, would result in a significant loss of openness in the Green Belt. The loss of openness

would be permanent and conflict with Framework paragraph 79. However, I do not consider that a dwelling would conflict with any of the purposes of including the land in the Green Belt listed in Framework paragraph 80, as the site is confined by boundaries and between properties that line the lane.

11. The Framework does not make a distinction about the level of harm from a reduction in Green Belt openness. It would harm the Green Belt. This harm attracts substantial weight as directed by Framework paragraph 88. I conclude, on this issue, that the proposal would be contrary to the fundamental aim of Green Belt policy as described in Framework paragraph 79.

Character and beauty

12. The Council state that a new residential development in this location would harm the intrinsic character and beauty of the open countryside. However, the appeal scheme is in outline with all matters reserved for future consideration. The site is not, despite its countryside location, part of an open area of countryside. As such, given the site's surroundings and the backdrop of trees to the south and eastern boundaries, there is no reason to believe that the dwelling would not be of an appropriate scale and design as sought by Local Plan Policy STRAT9, or that it would not be built from suitable materials.
13. I therefore conclude that the proposed dwelling would not harm the intrinsic character and beauty of the open countryside, and thus accords with Local Plan Policy STRAT9 which seeks to ensure development is of an appropriate scale and design so that it does not harm the character of the countryside.

Sustainable pattern of development

14. Local Plan Policy STRAT1 seeks to locate new housing, with good accessibility to existing or proposed local shops, employment facilities and primary schools and with good connections to public transport. This policy is consistent with the Framework. With regards to Framework paragraph 55, the site is not physically isolated. There are also limited facilities and services in the site's immediate vicinity, except for the Four Lanes Garages.
15. There are a greater breadth of facilities and services in Marston, Wincham and Higher Wincham. However, they are between 1 and 1.25 miles away. Having regard to these routes, if journeys were made on foot or by bicycle, they would not be inviting for future occupiers to use during inclement weather. Nor would the route to Higher Wincham be attractive to cyclists, due to the national speed limit. Bus services to the towns of Northwich and Warrington can be accessed on foot from the appeal site. Nevertheless, the services are limited with a two hourly service on Monday to Saturdays, and no buses after 18:00 throughout the week or on Sundays. Occupiers would be able to reach the facilities and services in these towns. However, users and especially commuters would be hamstrung by the times and frequency at which they operate.
16. So, even if future occupiers would use facilities and services in Marston, Wincham and Higher Wincham, they would, heavily rely on their private cars to access employment and day-to-day facilities and services to meet their everyday needs.
17. On this issue, I conclude that the proposal would accord with Framework paragraph 55. However, the appeal scheme would not result in a sustainable pattern of development, having regard to the site's countryside location and its accessibility to local employment areas, shops and services. The proposal

would result in significant harm due to its conflict with Local Plan Policies STRAT1, STRAT2 and STRAT8 that would outweigh my findings in relation to paragraph 55. The Local Plan policies jointly, among other things, seek to deliver sustainable communities by locating new housing in the most accessible and sustainable locations, with good accessibility to facilities and services, and with good connections to public transport.

Other considerations

18. Framework paragraphs 7 and 8 outline that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.
19. The proposal would not raise issues in terms of: living conditions and highway safety. However, these matters attract a neutral weight. At this outline stage, I attach a neutral weight to the creation of a high quality built environment. A limited positive social benefit would stem from the dwelling which would help boost the supply of houses in the area. Limited positive economic benefit would also stem from occupiers spending in the local economy and through the construction of the dwelling. The proposal would also re-use the land, offering a limited environmental benefit, notwithstanding the issues existing residents have experienced.

Conclusion

20. The appeal scheme would be inappropriate development in the Green Belt and result in a loss of openness. These are, by definition, harmful and I attach them substantial weight as required by Framework paragraph 88. Thus, there is a clear conflict with the environmental role of sustainable development. My findings in the fourth main issue also identify further conflicts with development plan policies, leading to harm in the social and environmental roles.
21. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal does not represent sustainable development, even though the scheme would fulfil the economic role.
22. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR