



Appeal Decision

Site visit made on 28 July 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/A0665/W/23/3317944

High Ash Cottage, Whitchurch Road, Tushingham Cum Grindley, Malpas, Cheshire SY13 4QL

- 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 Michael Oakden against the decision of Cheshire West & Chester Council.
 - The application Ref 22/01690/FUL, dated 4 May 2022, was refused by notice dated 13 December 2022.
 - The development proposed is erection of bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development as it appears on the Council's decision notice as it succinctly describes the development proposed.

Main Issues

3. The main issues are:
 - Whether the site is an appropriate location for housing.
 - The effect on the character and appearance of the area.

Reasons

Location for Housing

4. The appeal site is a triangular plot of grassed land with hedged boundary adjacent to Whitchurch Road. The site shares the character of the wider area of open fields. Opposite the site is a detached dwelling. For the purposes of planning policy the site is located in the countryside.
5. The Council's spatial strategy directs new housing development to the main settlements that provide good access to services and facilities. Policy STRAT8 of the Cheshire West and Chester Local Plan Part 1 (Local Plan Part 1) restricts new housing in the Rural Area to Key Service Centres and Local Service Centres. Development on sites in the countryside and outside designated settlements is limited to that which requires a countryside location, as identified in Policy STRAT9 of the Local Plan Part 1. The proposal is not a type

of development listed in the policy. In addition, it has not been demonstrated that the development could not be accommodated within an identified settlement.

6. The location of the development would mean that the occupants would be reliant on a car to access services and facilities to meet day to day needs. The appellant has referenced a local shop within a garage, bus stop, school and public house within one mile of the site in support of their case. However, from my observations on my site visit travel routes are not conducive to walking and cycling as they are not fully paved, there is an absence of street lights and some of the roads are subject to high travel speeds.
7. The location would not be suitable for new housing development. As such it would conflict with the parts of Policy STRAT8 and Policy STRAT9 of the Local Plan Part 1 which seek to direct development to the most sustainable locations, reduce non sustainable travel and limit development in the countryside to that which requires a countryside location. It would also conflict with Policy DM19 of the Cheshire West and Chester Local Plan Part 2 (Local Plan Part 2). Amongst other things, this policy only supports residential development outside of identified settlements where the proposal is a type of development listed in the policy.

Character and Appearance

8. The proposed dwelling would be a single storey rectangular building occupying a corner of the site. The development would have a low roof height and a natural moss roof finish. Nevertheless, it would still be of a scale and massing that would be clearly evident in the landscape. The development would urbanise land that forms part of the open countryside and in doing so would harm the character and appearance of the area. It would therefore conflict with the parts of Policy ENV5 and Policy DM3 of the Local Plan Part 2 which requires new development to achieve a high standard of design that respects character and protects the visual amenity of the local area.

Other Matters

9. The appellant has referenced proposed improvements to the site in support of their case, including the creation of a pond and associated planting and maintenance of the site's trees and hedgerows. However, as this could be achieved in any event and without development it limits the weight I attach to it.
10. The appellant has identified environmentally friendly elements of the design of the proposed development. Nevertheless, this is outweighed by the harm identified.
11. I note the personal circumstances of the appellant. Whilst they are acknowledged, they do not outweigh the harm identified.

Conclusion

12. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR