



Appeal Decision

Site visit made on 21 November 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/A0665/W/23/3321903

Land adjacent to Yew Tree Farm, Cliff Road, Acton Bridge, Nr Northwich, Cheshire CW8 3QY

- 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 David Pearson against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02780/OUT, dated 21 July 2022, was refused by notice dated 23 February 2023.
 - The development proposed is for the erection of a dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although a different address was used by the appellant in the planning appeal form, for clarity, the site address above has been taken from the planning application form. I note this address was also used by the Council in their decision notice.
3. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only and I have considered them as such.

Main Issues

4. The appeal site is located within the Green Belt and therefore 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; and,
 - Whether the appeal site is suitable for new housing.

Reasons

Whether Inappropriate Development

5. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.

6. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (January 2015, the LP1) relies, insofar as it is relevant to the matters of the appeal before me, on the exceptions set out within the Framework.
7. The appeal site is a small paddock with dwellings closely sited to either side and to the front, on the opposite side of the road. To the rear of the site are fields and open countryside. The development surrounding the appeal site is associated with Acton Bridge which, given its scale and modest provision of services, facilities and public transport, I consider to be a village. As a result of its location and its relationship with the surrounding built development, I find that the appeal site is within the village for the purposes of the Green Belt assessment.
8. As noted above, the appeal site is set between a number of dwellings along Cliff Road. As a result, I consider that the appeal site is part of an otherwise built-up frontage. Although the appeal site forms a broad gap between development, I do not find the gap so large that it could not be considered suitable for infilling. In particular, the outbuilding serving No 59 and the dwellings at Orchard Avenue visually reduce the spaciousness of the plot.
9. The proposal is for the erection of one dwelling, an associated garage and an area of hardstanding for access, parking and turning. Taken individually or collectively, I consider this to be within the scope of limited development for the purposes of the Green Belt assessment.
10. The exception under Paragraph 149(e) implicitly considers the impact on openness and the fundamental aims of including land within the Green Belt. Therefore, as the proposal meets this exception, it would also not result in urban sprawl and would protect the openness of the Green Belt.
11. In light of the above, the proposal is limited infilling in a village and would not be inappropriate development within the Green Belt. It would therefore comply with LP1 Policy STRAT9 and Paragraphs 147-149 of the Framework, as outlined above.

Whether suitable for New Housing

12. Although I found the appeal site to be within a village, Policies R1 and DM19 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (July 2019, the LP2) are clear that, for the purposes of the locational strategy, settlements that are not identified as either key or local services centres are countryside locations. Therefore, for the assessment of this issue, I have considered the appeal site under the policy sections related to development in the countryside.
13. LP1 Policy STRAT9 and LP2 Policies R1 and DM19 set out the requirements for development within the Countryside. These collectively resist development other than where it meets specific exceptions. The appellant has not

demonstrated that the proposal would meet any of the exceptions set out under LP1 Policy STRAT9 or LP2 Policy DM19. lacking any evidence to the contrary, I do not find that it would meet any of the exceptions or comply with these policies.

14. I recognise that Acton Bridge provides access to some services and facilities. However, these are largely limited to leisure, community or hospitality uses. Although the appellant has identified shops these are within Weaverham, a neighbouring settlement, and some distance away. The closest identified schools are similarly distant from the appeal site. Given their distance, I find it unlikely that future occupiers would walk or cycle to these shops or schools, especially during inclement weather or during the hours of darkness.
15. From the information before me it appears that the No 48 bus provides only a limited number of journeys to and from Acton Bridge. I find it unlikely that future occupiers would be able to rely upon this service to reach education or employment. This is especially so given that some times do not run on Wednesdays or at the weekend, and that return times to Acton Bridge do not appear to continue beyond five o'clock. Although I recognise that the train station links on to national routes, I have not been provided with any details of times to demonstrate that this would be a viable option for future occupiers either.
16. Given the above, I find it likely that future occupiers would be reliant upon private motor vehicles to meet their daily needs. Whilst the proposal may only result in a small increase in travel to and from the site, it would nonetheless be an increase contrary to the Council's locational strategy seeking development in the most accessible and sustainable locations. Moreover, although the Framework understands that the opportunity for sustainable transport will vary between urban and rural areas, I find that this matter has been taken into account in the local policy and I have been mindful of this in my consideration of the appeal.
17. As a result of the appeal site's location and that it would not meet any exception within the development plan, I conclude that it would not be a suitable location for new housing. The proposal would therefore be contrary to the locational strategy set out under LP1 Policies STRAT1, STRAT2, STRAT8, STRAT9 and LP2 Policies R1 and DM19. These collectively, and amongst other matters, set out the spatial strategy for new residential development and seek to direct development away from rural areas except in specific circumstances. It would also conflict with the overall plan-led approach of the Framework as well as Paragraphs 78 and 79 regarding rural development meeting exceptions and local needs, and enhancing the vitality of rural communities.

Other Matters

18. Several examples of planning permissions and successful appeals have been set out within the appellant's submissions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. On the whole, I do not have sufficient information before me to ascertain whether the circumstances of each example are directly comparable to the appeal before me. From the limited information available, I note that a number of decisions were made prior to the adoption of one or both parts of the development plan. For some of

these, and even where the decisions were made more recently, the scope of the scheme, or its location was significantly different to that before me.

19. Whilst the appeal at Dunston Lane¹ appears to bear some similarities to this appeal, it was in a settlement far removed from the appeal site and close to Neston, a Key Service Centre. As such, the context and circumstances of that appeal are likely to be significantly different and I cannot make any meaningful comparisons between these examples and the current appeal scheme, which I must consider on its own merits.

Conclusion

20. The government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, and potentially modest social and economic benefits from future occupiers. Given the small scale of the proposal, I afford these benefits moderate weight.
21. Although the proposal would not be inappropriate development in the Green Belt, this is a lack of harm and as such attracts neutral weight in my considerations.
22. Conversely, the location of the proposed dwelling would undermine the Council's plan-led approach to the delivery of housing. This matter attracts significant weight and outweighs the benefits associated with the proposed development.
23. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

¹ Appeal reference APP/A0665/W/22/3302865