

Appeal Decision

Site visit made on 29 January 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/A0665/W/23/3326370

Hanns Hall Livery, Hanns Hall Road, Neston CH64 2TQ

- 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 Ness Developments Limited against the decision of Cheshire West and Chester Council.
 - The application Ref 22/01720/FUL, dated 5 May 2022, was refused by notice dated 24 May 2023.
 - The development proposed is the erection of 1 newbuild dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. The main parties have been given an opportunity to comment on these changes and have not raised any new issues.
3. The appeal application was refused due to its effect on the Green Belt. The Council also raises an issue about the effect on the landscape character and beauty of the Cheshire countryside. This other matter is relevant to the overall Green Belt planning balance, so is addressed in this decision.

Main issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including an assessment of its effect on the openness of the Green Belt;
 - ii) its effect on local character and appearance; and
 - iii) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site lies in the countryside, within the designated Green Belt and near to the village of Willaston, on part of the site of a former livery business that is otherwise being redeveloped with 6 houses allowed on appeal (Ref APP/A0665/W/19/3232921). The site for this second appeal was primarily a car parking area for the livery and is currently being used in connection with the construction works.
6. Framework paragraph 154 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions. These include: (e) limited infilling in villages; and (g) the limited infilling or the partial or complete redevelopment of previously developed land where this would not have a greater impact on the openness of the Green Belt than the existing development. Policy STRAT9 of the Cheshire West and Chester Council Local Plan Part One - Strategic Policies (LP1) limits development in the countryside in general, with additional Green Belt restrictions in line with the Framework.
7. In allowing the previous appeal, the Inspector concluded that the livery site was previously developed (brownfield) land and that the replacement of the existing buildings with houses of an overall lesser volume would not be inappropriate or affect openness, despite some encroachment onto land absent of buildings. That proposal therefore met the exception set out in Framework paragraph 154(g).
8. There are no buildings on the new appeal site, (other than those related to the current construction works) and it is prominently placed next to Hanns Hall Road, forward of both the new houses and of a range of bungalows on an adjacent site rather than sitting in the gap between. In this position the proposal would significantly extend this knot of development towards the road so should not be considered as infill. The site is separated from Willaston by fields in any case, so does not meet the exception set out at Framework paragraph 154(e) - it does not represent limited infilling in a village.
9. Turning to the exception set out at Framework paragraph 154(g), the appellant states that as the current appeal site was part of the livery use it is therefore also previously developed land. I find no reason to disagree. Even though the livery use has now been removed, the land has not blended into the landscape or been turned over to another use that would exclude it from the Framework's definition of previously developed land. The proposal does, therefore, represent redevelopment of previously developed land and so meets the first part of the exception set out at paragraph 154(g).
10. This exception also requires an assessment of the impact on openness, which Framework paragraph 142 confirms to be an essential characteristic of the Green Belt. In this respect, a comparison with the previously existing livery buildings is no longer relevant. This proposal must now be taken on its own, rather than being retrospectively incorporated into consideration of a previous proposal. Circumstances have moved on.
11. This proposed development would greatly increase built volume on a prominent piece of open land, visible from the adjacent sections of the road. In some

views the proposed house would sit in the foreground of other built development, limiting its visual impact, but in other views it would extend the built up area, intruding on views of more open countryside. It would therefore have a greater impact on the openness of the Green Belt than the existing development, both spatially and visually.

12. The proposal therefore does not meet this part of the exception set out at Framework paragraph 154(g), as quoted above. It constitutes inappropriate development in the Green Belt, in conflict with LP1 Policy STRAT9 and the Framework. It is by definition harmful to the Green Belt and would harm openness. Expanding this group of buildings further onto open ground would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

Character and appearance

13. This part of Hanns Hall Road is rural in character, with roadside hedges, trees and fields interspersed with occasional development. Although the specific design of the proposed house would sit well with the others at the ex-livery site, its position forward of those houses on open land would urbanise this section of the road. It would be clearly visible in some views along the road from both directions, standing proud of the other nearby buildings in this position away from the village. This minor but not insignificant harm to local character and appearance would conflict with LP1 policies STRAT9 and ENV2's aims to protect the beauty and landscape of the countryside. I take this into account in the planning balance, below.

Other considerations

14. The previous Inspector concluded that due to the site's proximity and accessibility to Willaston, with its range of services, the site was sustainably located and that development would help to support the vitality of the settlement, in line with what is now paragraph 83 of the Framework. The proposal would make use of a sustainably located, previously developed site to provide another house, in line with the Government's objective of boosting the supply of housing. In view of this proposal being for a single house only, I attach moderate weight to this important but modest benefit.
15. I note that the proposed access was amended during the course of the application to avoid harm to highway safety. This is satisfactory, but is a neutral factor in my assessment. The appellant draws my attention to 2 other local cases where new houses have been allowed – one by the Council and one on appeal (Ref APP/A0665/A/12/2189484). In one of these cases, the new houses were approved to replace an existing house. In the appeal case the site was in the rear garden of a house on the edge of the village, set back from the road, and was considered, on balance, to be infill. I do not have full details of that appeal case, which was decided over 10 years ago, and neither of these cases are directly comparable to the proposal before me. I have assessed this appeal on its own merits, in light of its particular circumstances.

Planning balance and conclusion

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to

any harm to the Green Belt and that 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.

17. I find that the considerations in favour of the proposal are not sufficient to clearly outweigh the harm to the Green Belt due to inappropriateness (resulting from the proposals greater impact on openness) and the minor harm to local character and appearance. I conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case, so that the proposal conflicts with the above-mentioned policies.
18. The proposal would conflict with the development plan as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Les Greenwood

INSPECTOR