



Appeal Decision

Site visit made on 9 April 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/A0665/W/23/3327974

Heathcroft, Nantwich Road, Tiverton, Chester CW6 9HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ms Susan Alexander against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/03009/FUL.
 - The development proposed is demolition of existing buildings and construction of single storey bungalow utilising existing access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023. This is a material consideration in the determination of the appeal. However, the revisions are not directly relevant to the main issues in the appeal and I am therefore satisfied that the interests of the main parties would not be prejudiced by my taking it into account.
3. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (permission in principle) establishes whether a site is suitable in-principle and the second ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. Therefore, the main issue is whether the site is suitable for residential development, having regard to its location, proposed land use and the amount of development.

Reasons

Location

6. The appeal site is a small grassland field with scattered single storey buildings. It was historically associated with Heathcroft, a detached former agricultural

building converted to residential use. Access to the appeal site is from the A51 via a track that serves a small number of dwellings and functions as a Public Right of Way. It is in the open countryside.

7. The Council's development strategy is set out in Policies STRAT1, STRAT2 and STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies Adopted January 2015 (LP1). This directs new housing to accessible locations in accordance with the settlement hierarchy. Accordingly, it aims to restrict development in the countryside to that which cannot be accommodated in identified settlements. Policy DM19 of the Cheshire West and Chester Council Local Plan (Part 2) Land Allocations and Detailed Policies Adopted July 2019 (LP2) sets out specific exceptions that apply to residential development in the countryside. These include the replacement of buildings on previously developed land (PDL), subject to meeting a number of criteria.
8. I have been provided with a statement of truth by the brother of one of the former occupiers of Heathcroft. This asserts that the former occupier, who died in 1992, operated an agricultural contractor business from the property known as Heathcroft. I have no reason to doubt this. However, there is little substantive evidence in relation to how the former occupier operated his business or which buildings or land may have been in commercial use historically.
9. In this regard, the land to which the statement relates extends to roughly 1.56ha and it includes Heathcroft and its outbuilding, the appeal site and fields to the north, south and east. Prior to its conversion to residential use¹, Heathcroft was an agricultural building. The appeal buildings vary in size and character, including agricultural shed-type structures and small buildings that appear suitable for livestock housing and shelter. The derelict buildings occupy only a small part of the western half of the appeal site and the aerial photographs illustrate that they are surrounded by grassland which appears indistinguishable from the neighbouring agricultural grasslands.
10. Taking into account the agricultural surroundings, former agricultural use of Heathcroft and the nature of the appeal site and its buildings, there is little compelling evidence that the appeal site was previously developed. Even if some of the buildings were in commercial use historically, the aerial photographs illustrate that the appeal site grassland blends in with the landscape. Consequently, it has not been robustly demonstrated that the proposal would be the replacement of buildings on PDL.
11. There are no shops or community facilities in close proximity to the appeal site. Future occupiers would therefore need to travel at least as far as the closest settlement of Tarporley, which is a key service centre where an appropriate level of new development will be brought forward. Although the appeal site is only around 1km from the edge of the settlement, future occupiers would have to travel a further 1km or so to access services and facilities.
12. The access track between the appeal site and the A51 is roughly surfaced in places with vegetation growing along it and, following rainfall, it is muddy and holds standing water. Although there is a footway along the southern side of the A51 towards Tarporley, it is narrow and the road is busy, subject to a 50mph speed limit and unlit. There would be limited light spill from the

¹ Ref: 22/00244/LDC, conversion of a former agricultural building to a dwelling house (Use Class C3)

- scattered dwellings along the road due to their generally dense boundary treatments, such as would not mitigate the absence of streetlighting.
13. Taking into account the distance, the access track and the narrow, unlit footway to the side of the A51 would not be conducive to walking, particularly during inclement weather or outside of daylight hours. Future occupiers would be unlikely to walk to the settlement on a regular basis. Tarporley is within an easy cycling distance of the appeal site. However, taking into account the nature of the A-road and the absence of lighting or a cycle path, cycling would not appear to be a realistic daily alternative to car travel in this location.
 14. There is a bus stop near Tiverton Heath Cottage on the A51, which is within easy walking distance of the appeal site. This offers regular services to Tarporley and Chester. Notwithstanding its constraints, the footway on the south side of the A51 could be used to access the bus stop and to wait for the bus. However, on the northern side, pedestrians would apparently alight onto a grass verge at the edge of the carriageway. While there may be good visibility in both directions, pedestrians waiting on the narrow verge for a gap in the traffic in order to cross the road would nevertheless be vulnerable, particularly in poor weather or low light.
 15. I understand that Crashmap shows no recorded incidents of any severity involving pedestrians along this stretch of the road. However, I have not been provided with any information about pedestrian journeys or bus usage. Therefore, the absence of incidents might simply reflect a low level of pedestrian use of the A51 rather than that the road is a safe pedestrian route.
 16. The Framework advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this regard, future occupiers would have access to public transport, albeit they might choose not to use it for reasons set out above. However, taking into account the nature of the A-road, the footway to one side only, the absence of streetlighting and the distances involved, I find that the appeal site is not within a reasonable walking distance of local services and facilities along a safe route. Consequently, future occupiers would be heavily reliant on private vehicles.
 17. Therefore, I conclude that the location would not be suitable for new housing, having regard to the accessibility of services and facilities, walking routes and sustainable transport modes. The proposal would conflict with the locational and rural housing aims of LP1 Policies STRAT1, STRAT2 and STRAT9, LP2 Policy DM19 and Beeston, Tiverton and Tilstone Fearnall Neighbourhood Development Plan 2017-2030 Adopted December 2017 (the NP) Policy BE3. It would also conflict with the aims of the Framework in relation to locating rural housing where it would contribute to the vitality of rural communities and local services, support healthy lifestyles and climate change adaptations.

Character and appearance

18. The appeal site is in an area of sparsely developed countryside with fields enclosed by hedgerows, trees and patches of woodland. Scattered rural development includes farmsteads and dwellings in generous mature plots. The closest dwellings include Heathcroft, a detached 2 storey converted agricultural building, and several detached single storey dwellings.

19. Notwithstanding it would be single storey, the proposal would be a substantially large dwelling with a footprint of approximately 165sqm. While this would be around 10sqm less than the area covered by the existing buildings, there would also be hardstanding around the building, access and parking for 3 vehicles. Moreover, the buildings that would be demolished are individually relatively modest in terms of their footprint, form and height. The low buildings are unobtrusive and well screened by vegetation and hedgerows. In contrast, by virtue of its far greater height and size, the proposal would result in a conspicuous increase in the quantum of development.
20. The single storey form and external materials would not be out of keeping with the design of other single storey dwellings in this locality. However, the proposal would be widely separated from those dwellings and poorly related to the closest building, this being a converted traditional agricultural building. The siting of the overtly residential dwelling in a field away from the road would not be typical of the rural pattern of development, where residential dwellings tend to be developed along roads, with roadside frontages, with farmsteads and agricultural buildings set further away surrounded by open countryside.
21. While the dwelling might not be further from the A51 than the curtilage of The Croft, it would result in a conspicuous spread of residential development. The large and widely separated dwelling, with its extensive curtilage and parking, would have an urbanising effect on the countryside. The visual impact of the proposal would be exacerbated by the domestic paraphernalia and increased recreational activity within its curtilage and the light spill from the dwelling and its outdoor areas. The proposal would not contribute positively to local rural distinctiveness or sense of place in views from the surrounding area, including from the adjacent footpath.
22. Therefore, I conclude that the proposal would harm the rural character and appearance of the countryside. Consequently, it would conflict with LP1 Policy ENV6, LP2 Policies DM19 and DM3, and Policy BE1 of the NP. These require, among other things, that proposals contribute positively to local character and sense of place, contributing to the legibility of the area and respecting the local built environment and landscape setting. It would also conflict with the design aims of the Framework in relation to being sympathetic to landscape setting and maintaining a strong sense of place.

Other Matters

23. The parties agree that the Council can demonstrate well in excess of a five year supply of deliverable housing sites. Therefore, the presumption in favour of sustainable development does not apply. Nevertheless, one dwelling would make a limited contribution to the Government's objective of significantly boosting the supply of homes.
24. The existing appeal buildings are in various states of disrepair. However, while they may be unsuitable for re-use, they are relatively unobtrusive and characteristically rural such that their removal would not be a significant benefit in terms of visual amenity. Their removal is in any case not reliant on the appeal proposal. There is also little evidence that the appeal site could not be put to a suitable rural use.
25. One of the Council's reasons for refusal relates to potential impacts on protected species including great crested newts, bats, breeding birds and

badgers. No ecological information has been provided to establish the presence or absence of protected species or the extent to which they may be affected by the proposal. This is not a matter that could be dealt with by the imposition of planning conditions. However, potential impacts on biodiversity is not in any case a matter that falls within the scope of the permission in principle stage. Instead, it would need to be satisfactorily addressed as part of a technical details consent application.

Conclusion

26. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
27. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR