



Appeal Decision

Site visit made on 2 July 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/A0665/W/23/3333741

Land adjacent to Avalon, Mannings Lane, Hoole, Chester CH2 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Senthilnathan Periyasamy against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/04520/FUL.
 - The development proposed is the erection of a 4 bedroom two-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.
3. In the banner heading above, I have used the address from the appellant's appeal form, as it more accurately describes the location of the appeal site. However, I have amended the name of the adjacent dwelling as it was spelt incorrectly and included the revised postcode clarified by the appellant.
4. I have removed the superfluous text from the description of development in the banner heading above as it does not relate to an act of development.
5. The appellant submitted final comments that referred to the Council's statement of case. Despite requesting a copy of the Council's statement on two separate occasions, I have not been provided with a copy. Therefore, I have determined the appeal on the basis of the information before me.

Main Issues

6. The main issues are:
 - a) whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) whether the appeal site is in a suitable location for the proposal; and

- d) 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 necessary to justify the development.

Reasons

Inappropriate Development?

7. The appeal site is within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 154 of the Framework explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception pertinent to the appeal proposal is: (e) limited infilling in villages. Policy STRAT9 of the Cheshire West and Chester Local Plan (Part One), adopted 2015 (LP1) states that in areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the Framework.
9. The terms "limited" and "infilling" are not defined in the Framework. However, "infilling" is defined in the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, adopted 2019 (LP2) as *"the filling of a small gap, up to two dwellings, in an otherwise built up frontage in an identified settlement"*. This is a reasonable definition and therefore I have determined the proposal on this basis. I have not been directed to a definition of "an identified settlement" within the development plan and the Framework does not include a definition of "village". Therefore, consideration of these terms involves a planning judgement based on the characteristics of the area.
10. The appeal site comprises an area of overgrown vacant land between the Cheshire County Sports Club to the north and a detached dwelling (Avalon) to the south. The sports club consists of a surface car park and grass sports pitches fronting Mannings Lane which have an undeveloped, rural appearance. Beyond the sports club are three dwellings, one of which fronts Mannings Lane (Field House Lodge). Accordingly, from my own observations, I consider the "gap" to comprise the space between Avalon and Field House Lodge. The gap is significant in size, so much so, it could accommodate more than two dwellings. Consequently, the proposal would not comply with the definition of infilling contained within LP2.
11. The appellant asserts that the appeal site is within a village and has provided several appeal decisions to support their claim. However, as I have found that the proposal would not constitute limited infilling, it is not necessary for me to determine whether the appeal site would be within a village or not.
12. Accordingly, in reference to the first main issue, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with paragraph 154(e) of the Framework and LP1 Policy STRAT9. I am not obliged to assess the proposal against the purposes of including land within the Green Belt, as there is no requirement under paragraph 154(e) of the Framework.

Openness

13. Openness has both spatial and visual qualities. The appeal site comprises land devoid of development. The proposal would comprise a two-storey detached dwelling with a hard surfaced parking area for two vehicles and would typically include garden paraphernalia. Therefore, in spatial terms, the proposal would reduce the openness of the Green Belt.
14. The proposed two-storey dwelling would be sited a similar distance from Mannings Lane as Avalon and therefore, it would be highly visible above the existing boundary treatments when viewed from the road. Consequently, in visual terms, the proposal would reduce the openness of the Green Belt.
15. Accordingly, in reference to the second main issue, the development would impact on the openness of the Green Belt.

Appropriate Location?

16. The appeal site is within the countryside. LP1 Policy STRAT9 and LP2 Policy DM19 support development in the countryside provided it meets one of a closed list of developments and it would not harm the character of the countryside. The proposal would not comply with any of the developments listed. I therefore attribute this significant harm.
17. In reference to the third main issue, the appeal site is not in a suitable location for the proposal. It would conflict with Policies STRAT2 and STRAT9 of the LP1 and Policy DM19 of the LP2. The Council's reason for refusal includes LP1 Policy STRAT8 however, this policy is not applicable to the appeal site. The Council's reason for refusal also refers to LP1 Policy STRAT1 which I will consider next.

Other Considerations

18. LP1 Policy STRAT1 requires developments to accord with the presumption in favour of sustainable development as detailed within the Framework and requires proposals that support a list of sustainable development principles to be approved without delay, unless material considerations indicate otherwise. One such principle is to locate new housing with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport.
19. Although within the countryside, the appeal site is a short walk from the outskirts of Chester, a city at the top of the Council's settlement hierarchy that incorporates all the services and facilities required to support the day-to-day needs of its residents. These services and facilities can be accessed from the appeal site by walking, cycling or public transport. Consequently, future occupiers of the proposed dwelling would not be heavily reliant on the private car. I therefore afford this matter considerable weight.
20. The provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes and the Council's housing supply. The proposal would also provide a limited amount of short-term employment through the construction of the proposal, and some longer-term employment through future users' use of services for ongoing property maintenance. The proposal would result in some additional support to the local community and its services from future occupiers, and it would generate

additional Council Tax payments. Accordingly, these benefits would carry moderate weight in favour of the scheme.

21. The appellant asserts that there is not a readily available supply of sites within the identified settlement boundaries that are like the appeal site, and the appeal site lacks biodiversity. However, these matters have not been substantiated with evidence. While a well-maintained garden could improve the appearance of the local environment, I am not persuaded that the appeal site's appearance could not be improved in ways other than the appeal proposal.
22. The appellant states that the appeal site is at risk of fly tipping and crime, and the proposal would help reduce the risk and fear of crime. However, I have not been provided with evidence to demonstrate that these matters are a particular problem with the appeal site or within the surrounding area. Consequently, these matters attract limited weight. Furthermore, the proposal's lack of harm to heritage designations, highway safety, habitats, flood risk, the living conditions of the occupiers of neighbouring properties, the character and appearance of the surrounding area and existing trees are all neutral matters.

Conclusion

23. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. I attach considerable weight to the proximity of the proposal to facilities, services and modes of public transport, and moderate weight to the other aforementioned benefits. However, given the substantial weight to be given to Green Belt harm and the significant harm caused by the appeal site's unsuitable location, the harm is not clearly outweighed by other considerations. Consequently, in reference to the fourth main issue, the very special circumstances necessary to justify the proposal do not exist.
25. The appellant asserts that the Council's current supply of housing is questionable. However, they have not provided any substantive evidence to support this view. Even if it could be demonstrated that the Council had a housing land supply of less than 5 years, paragraph 11(d)(ii) of the Framework would not be engaged, as I have found that the proposal would be contrary to the Green Belt policies in the Framework that provide a clear reason for refusing the development.
26. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR