



Appeal Decision

Site visit made on 12 February 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/A0665/W/24/3352284

Forest Cottage, Ashton Road, Norley, Northwich WA6 6NY

- 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 Callum Buckle against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03809/FUL.
 - The development proposed is Demolition of existing cottage and outbuildings and erection of two storey new build dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One) (2015) (LPP1) in part deals with the Green Belt and further to its advice on development within the Countryside it advises that in settlements and in areas of the Countryside that are within the Green Belt additional restrictions will apply to development in line with the Framework¹.
3. Policy DM 21 of the Cheshire West and Chester Local Plan (Part Two) (2019) (LPP2) offers further advice stating that in the Green Belt proposals for replacement dwellings will be supported where amongst other things the replacement dwelling would not be materially larger than the existing dwelling. The explanation to the Policy goes further, stating that in the Green Belt, replacement dwellings should not be materially larger (i.e. more than 10 per cent) than the existing dwelling. The increase in size of the original or existing dwelling will generally be determined by assessing the net increase in floorspace (measured externally). The policies therefore have alignment with the Framework and should be afforded substantial weight with regard to Green Belt matters.
4. I am in receipt of amended plans for the proposed garage block which amongst other things show a decrease in height for the structure. Whilst it is not the purpose of the appeal process to evolve a scheme, in these particular circumstances I am prepared to consider those plans. This is because the garage would be of lesser height and volume than that originally proposed and would not significantly alter the proposal as a whole, relating to only a part of the scheme.
5. The application was originally refused on the basis that insufficient information had been provided with regards to impacts on biodiversity interests and trees.

¹ National Planning Policy Framework 2024.

6. Additional information has been submitted alongside the appeal in relation to these matters and the Council considers that those matters could be addressed through appropriate planning conditions were the appeal to be allowed.

Main Issues

7. The main issues therefore are;
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - ii) the effect of the proposal on the openness of the Green Belt,
 - iii) the effect of the proposal on the character and appearance of the area,
 - iv) if the development were considered inappropriate development whether any harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

8. Forest Cottage is a small semi-detached property, set immediately adjacent to Delamere Forest on the edge of the village of Hatchmere. The appeal proposal seeks its demolition and replacement with a larger detached dwelling.
9. The Framework at paragraph 154 establishes that development in the Green Belt amongst other things is inappropriate unless in the case of a replacement building, the new building is in the same use and not materially larger than the one it replaces.
10. The evidence indicates that the proposed dwelling would have more than double the floorspace of the existing cottage. Even setting aside the garage, the replacement dwelling would as a result be materially larger than that existing. The proposal would therefore be inappropriate development in the Green Belt and would exceed the criteria identified within Policy DM 21 of the LPP2.

Openness of the Green Belt

11. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
12. The existing dwelling sits quietly on the site with off shoots projecting from the main body of the cottage. The replacement dwelling by reason of its two storey design throughout, its single ridgeline and detached garage would be especially bulky in comparison to the existing development particularly given the increase in volume and floorspace at first floor level.
13. That additional bulk would be noticeable from public areas such as at the front of the site on Ashton Road, from pathways and elevated areas in close proximity to the site within Delamere Forest and from what appeared to be a footpath running to the side of the property boundary.

14. There would therefore be significant harm to the Green Belt in both spatial and visual terms.

Character and appearance

15. The dwelling which is subject to the appeal sits at the western end of Hatchmere encased by substantial and well planted grounds. The site offers a pleasing visual transition from the village to the adjacent forest.
16. The cottage shares a limited scale and traditional appearance with the neighbouring attached property and the modest semi detached properties on the opposite side of Ashton Road. In combination, they offer a visual transition from the rather mixed buildings within Hatchmere to the forest. The cottage has a rural appearance which in combination with its setting makes a significant positive contribution to the character and appearance of the area.
17. Whilst I accept that there are a wide range of houses in terms of size, design and materials within Hatchmere, the loss of Forest Cottage would cause significant harm the character and appearance of the area.
18. The proposal would therefore conflict with Policy ENV 6 of the LPP1 and policies DM 3 and DM 19 of the LPP2 which amongst other things broadly seek development that respects and contributes positively to the character of an area.

Other considerations

19. The evidence indicates that the Council have approved two applications for lawful development certificates which confirm that the existing dwelling can be extended and that a detached garage, detached curtilage building and outdoor swimming pool can be erected under permitted development rights. There is a greater than theoretical possibility that this development might take place and it forms a material consideration.
20. The development under the fall-back position would appear to amount to development of greater footprint and volume than the appeal scheme. However, the fall-back scheme relies extensively on single storey development which would not have the same impact on the openness of the Green Belt as the appeal proposal which would incorporate significant floorspace at first floor level. Further, the harm that I have identified to the character and appearance of the area would not arise given that the existing cottage would be retained. I therefore afford the fall-back position limited weight.
21. I note that the development would incorporate traditional materials and I accept the size and space limitations of Forest Cottage which I viewed internally externally on my site visit. Its replacement with a detached self-build dwelling would likely result in less noise transfer to the neighbouring dwelling. Construction disruption could be kept to a minimum and the replacement dwelling would be of modern specification and could incorporate modern foundations and eco-friendly features.

Other Matters

22. The Council state that by way of the demolition of Forest Cottage, the proposal would result in substantial harm to an undesignated heritage asset. Forest Cottage is a building that could, in principle be considered a Heritage Asset even though it is not formally recognised as one. Setting aside the harm that I have identified to

the character and appearance of the area that would arise from its loss, there is no compelling evidence before me that Forest Cottage should be retained on the basis of its heritage significance alone given that the evidence of the Council does not include firm details of its heritage significance. I cannot therefore conclude that the proposal would cause substantial harm to an undesignated heritage asset.

23. The appeal site is located in close proximity to the Midland Meres and Mosses Phase 1 Ramsar and the Hatch Mere SSSI. However, there is no need to undertake a Habitats Regulations Assessment or consider these matters further as the scheme is unacceptable for other reasons.

Planning Balance and Conclusion

24. I have found that the development is inappropriate development within the Green Belt and would result in significant harm to the openness of the Green Belt. There would also be a significant adverse impact on the character and appearance of the area.
25. The proposal should not be approved except in very special circumstances and I must attach substantial weight to any harm to the Green Belt. The weight of the other considerations do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T Burnham

INSPECTOR