



Appeal Decision

Site visit made on 8 April 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/A0665/W/24/3357049

Land at Hanns Hall Road, Willaston CH64 2TQ

- 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 A McNulty of Raw N Real CIC against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03253/FUL.
 - The development proposed is the erection of a mental health and wellbeing recreational hub building with new access driveway, parking area and provision of 5no. parking spaces. Installation of no.7 pontoons situated around existing pond with track access and associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header is taken from the Council's decision notice and the appeal form. It is different to that on the application form but it more accurately describes the proposal.
3. As part of the appeal submission, the appellant has submitted a Preliminary Ecological Appraisal¹ (PEA) and a separate ecology letter² (Ascerta letter). I am mindful that the appeal process should not be used to evolve a scheme to overcome the Local Planning Authority's reasons for refusal. However, the Council have had the opportunity to comment on these documents, I am satisfied that no party would be prejudiced by my taking these into consideration in the determination of the appeal. I have, therefore, dealt with the appeal on this basis.

Main Issues

4. 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, including considering the effect of the proposal on the openness of the Green Belt and its purposes;
 - effect of the development on the character and appearance of the surrounding area;
 - whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy;

¹ Preliminary Ecological Appraisal, dated 28 March 2024 prepared by AMC Ecological Construction & Environment

² Letter prepared by Ascerta Landscape, Trees, Ecology dated 10 December 2024

- the effect of the proposal on protected species; and
- whether any 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 required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is situated in the Green Belt. The Framework attaches great importance to Green Belts. The 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.
6. The Framework indicates development in the Green Belt is inappropriate unless it complies with a small number of limited exceptions. Of relevance to the appeal scheme is paragraph 154, exception b) of the Framework.
7. Exception b) relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One) (LPP1) seeks to protect Green Belt in line with the Framework.
8. Based on the appellant's evidence and drawings provided, and whilst incorporating, amongst other things, water-based activities, the primary purposes of the development would be to provide mental health services to men as part of a healthcare facility. As such, the proposal would fail to accord with exception b) of the Framework. In any event, exception b) comprises two strands, the second being that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. If a proposal fails either strand, it would be inappropriate development.
9. The appellant's evidence acknowledges that there would be an impact on the openness of the Green Belt, due to the erection of a new structure. The proposal would also represent encroachment into the countryside and consequently would be contrary to the purposes set out within paragraph 143 of the Framework.
10. For the above reasons, the proposed development would not preserve the openness of the Green Belt or comply with exception b). It would therefore comprise inappropriate development in the Green Belt. The proposed development would therefore be contrary to the aims of the Framework and Policy STRAT 9 of the LPP1.

Character and appearance

11. There are some new and under-construction properties to the west of the site. There is also a detached building located to the south, which I'm advised forms part of a fishery. Nonetheless, the area has a rural character created by areas of open fields. Many surrounding fields and roads are bound by mature trees and hedging. This pattern of development contributes to the rural character of the area.

12. The site lies within the Willaston Landscape Character Area (WLCA). The key characteristics of this area include its gently undulating topography with fields that are mostly bounded by a strong, intact, hedgerow system, with hedgerow trees. Field ponds are a feature of the WLCA. The WLCA also features manor houses, halls, farmsteads, cottages and large detached properties scattered throughout the area alongside various building materials.
13. Views of the appeal site area are largely enclosed by the dwellings to the west and north and south by hedging and trees. Gaps allow for some limited views from the road to the east. There are large-scale open views southwest given the open fields and lower-level planting.
14. The proposed development is for a new single-storey timber-clad building with a slate-effect concrete roof. The building is to be located adjacent to a hardstanding area for parking and drop-offs close to the site entrance. New pontoons, planting and landscaping are also proposed. Such buildings are not intrinsically uncharacteristic of rural areas. Indeed, the proposed building and hardstanding area would have a broadly similar location to those on the fishery. However, given that the appeal site lacks built form, the site provides an important contribution to the rural character of the area. The erection of built form combined with associated paraphernalia would result in a visual urbanisation of the site.
15. The degree of change to the site as a result of the proposal would be discernible in the context of the character of the site as well as the wider landscape. While noting limited visual locations, and the incorporation of additional planting, I find that there would be harm to the character and appearance of the area and WLCA especially as any planting would take some time to mature.
16. For the above reasons, the proposal would harm the character and appearance of the area including the WLCA contrary to LPP1 Policies STRAT 9 and ENV 2 and Policy GBC 2 of the Cheshire West and Chester Local Plan (Part Two) (LPP2). Together, amongst other things, these seek development that must take full account of the characteristics of the development site and be of an appropriate scale and design to protect and where possible, enhance the landscape character of the area.

Suitable location

17. The development is in the countryside. Policy STRAT 9 of the LPP1 seeks to protect the intrinsic character and beauty of the countryside by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements.
18. A rural location such as the appeal site would offer an attractive setting for a mental health facility based around open water activities. However, there is no substantive evidence before me to demonstrate alternative sites within existing settlement boundaries have been explored. Additionally, no cogent evidence to demonstrate that a local need exists has been provided as part of the application or appeal submission. In any event, Policy Strat 9 also requires development to be of an appropriate scale and design and not harm the character of the countryside. My conclusion on the preceding main issue indicates that the proposed development would conflict with Policy STRAT 9 of the LPP1.

Protected Species

19. Circular 06/2005: Biodiversity and Geological Conservation states that it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by development, is established before planning permission is granted.
20. Following the submission of the PEA and Ascerta letter, the Council retain concerns in relation to Great Crested Newts (GCN). GCN are designated and protected under the Conservation of Habitats and Species Regulations 2017 (as amended).
21. The appellant's evidence identifies the appeal site, including the large body of water, could potentially support breeding of GCN. In addition, there are ponds nearby which could potentially support breeding populations of GCN. It is also considered likely that GCN would use the site as terrestrial and commuting habitat if present in these waterbodies. The evidence states that additional surveys are required to establish suitability, presence/absence and mitigation for GCN. Without the survey results, I cannot conclude that the proposal would not have a harmful effect on GCN.
22. For these reasons and on the basis of the evidence submitted, it has not been demonstrated that the proposal would protect or provides adequate mitigation for European protected species, with specific regard to GCN. Accordingly, the proposal would conflict with Policies ENV 4 of the LPP1 and DM44 of the LPP2. Together, these state sites will be protected from loss or damage taking account of the impact on protected species, amongst other matters.

Other Matters

23. Matters related to works on site raised by interested parties fall outside the scope of this appeal and are a matter for the Council to investigate.

Other Considerations

24. The Framework is clear 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 explain that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
25. The Framework seeks decisions that enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs.
26. The development would undoubtedly result in a benefit by adding a mental health service in a tranquil setting focused on, amongst other things, open water treatment, particularly fishing. I find no reason to disagree that recreational fishing can assist in improving mental health in adults and would result in a social benefit, as would additional services available within the appeal site.
27. The proposal would also result in economic benefits during construction and by expanding Raw N Real as a company. Environmental benefits could also be achieved in the surrounding area through attracting wildlife, including frogs, tadpoles, insects and plants. Other environmental benefits could occur through the

restoration and upkeep of the existing pond. However, the weight I give to these benefits is moderated by the following factors.

28. The appellant has indicated that the appeal proposal would support the local area, including local settlements meeting an identified need for specialist healthcare provision, especially as waiting lists for community mental health services tend to be long. As no substantive evidence has been submitted in relation to this matter, I cannot corroborate the appellant's contention. Therefore, the weight ascribe to this is tempered.
29. The appellant advises that the company is growing, and a base/ hub for their continued works is required. Moreover, the appeal site location is unlike any urban area within the authority boundary. However, no substantive evidence is before me to demonstrate if alternative locations or the potential to disaggregate proposal elements have been explored.
30. Without additional survey work, no environmental benefits can be adequately considered without knowing if environmental harms or mitigation are first required.
31. Bringing together the above factors, I ascribe moderate weight to other considerations in favour of the proposal. However, the proposal would be inappropriate development in the Green Belt. In addition, harm would arise from the effect of the proposal on the character and appearance of the area, including the WLCA, and protected species. Overall, I ascribe substantial weight to the harm that would arise from the proposal. Consequently, these considerations would not outweigh the substantial harm and would not amount to the very special circumstances necessary to justify the proposal.

Conclusion

32. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR