



Appeal Decision

Site visit made on 14 July 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/A0665/W/25/3363126

Yonder Bungalow, Chester Road, Delamere, Northwich CW8 2HS

- 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 Mike Loveless against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/01727/FUL.
 - The development proposed is described as proposed replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
3. The appellant's evidence includes an updated Protected Species Survey¹. Whilst this information was not before the Council at the time that it made its decision, it was provided at the outset of the appeal and the Council has had the opportunity to comment upon it. As this evidence does not alter the appeal scheme, no party has been prejudiced by my taking this information into account in determining this appeal.

Main Issues

4. The main issues are:
 - whether or not the proposed development would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed development on protected species and habitats;
 - drainage; and

¹ Protected Species Survey dated 03 March 2025, prepared by Clwydian Ecology

- if the proposed 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

Whether inappropriate development

5. The appeal site is located within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New development in the Green Belt is inappropriate development, other than for the specific exceptions set out in paragraphs 154 and 155 of the Framework.
6. Policy STRAT9 of the Cheshire West & Chester Council Local Plan Part One: Strategic Policies (LP One) sets out a list of permitted development types. It also states additional restrictions will apply to development in line with the Framework. Paragraph 154 exception d) of the Framework allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy DM21 of the Cheshire West & Chester Local Plan (Part Two) Land Allocations and Detailed Policies (LP Two), in relation to replacement dwellings in the Green Belt, states that proposals will be supported where the replacement dwelling would not be materially larger than the existing dwelling. DM21 supporting text states that the replacement dwelling should not be materially larger (i.e. more than 10%) than the existing dwelling.
7. The appeal proposal is for the replacement of the modestly sized but extended bungalow. The supporting evidence suggests that the existing dwelling has a gross internal floor area of 115m² and a volume of 446m³. The appellant's figures show the proposed gross internal floor area would be 213m² and the proposed volume would be 710m³. Based on these figures, it is clear that the gross internal floor area and volume of the proposed dwelling would be significantly more than the size of the existing dwelling, significantly exceeding a 10% increase set out in the supporting text to DM21.
8. My attention has been brought to a lawful development certificate² (PD fallback) for the construction of a dormer, side extension and rear extension approved by the Council. However, unimplemented development cannot be taken into account when assessed against paragraph 154 d) of the Framework. As such, whilst the new building is in the same use, it would be materially larger than the one it would replace and would not meet the exception set out in paragraph 154 d) of the Framework.
9. The appellant has drawn my attention to Paragraph 154 g) of the Framework. This allows for the limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. Even though the definition of previously developed land set out in the Framework indicates that it should not be assumed that the whole curtilage should be developed, the appeal site would represent the redevelopment of previously developed land.

² Ref: 23/03690/LDC

10. Openness is identified in the Framework as one of the Green Belt's essential characteristics. Paragraph 153 of the Framework further states that when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness. Openness has both spatial and visual aspects.
11. The proposed dwelling would be substantially larger than the existing house, and therefore, there would be an impact on the openness of the Green Belt. Spatially and visually, the development would result in a large dwelling which would intrude into areas currently free of development. Additionally, it would be especially bulky in comparison to the existing development, particularly given the increase in volume and floorspace at first floor level. That additional bulk would be noticeable from public areas, such as those along Chester Road and Station Road and more so during the winter months. There would therefore be substantial harm to the Green Belt in both spatial and visual terms.
12. Accordingly, the proposed development would not meet the exception set out in Paragraph 154 g) of the Framework. This would also add to the harm to the Green Belt identified by reason of inappropriateness in relation to paragraph 154 d) of the Framework.
13. The appellant contends that the proposal would accord with Paragraph 155 in regards grey belt land. Even if the appeal site is grey belt land, there is no substantive evidence before me to suggest that all of the requirements of paragraph 155 of the Framework are met. For example, no substantive evidence has been provided to show the existing site is within a sustainable location offering a genuine choice of transport modes. Moreover, as the scheme is for a replacement dwelling, it would not meet an unmet need. Even if I were to accept that there is a need for family-sized homes, no cogent evidence is presented to show that an oversupply of bungalows currently exists. Accordingly, I find paragraph 155 of the Framework is not determinative in this case.
14. For the reasons above, the proposed development would be inappropriate development in the Green Belt, having regard to the development plan and the Framework and would result in a substantial harmful effect on the openness of the Green Belt. In this regard, it would conflict with Policy STRAT9 of the LP One and Policy DM21 of the LP Two insofar as they require the provisions of the Framework to apply to development in the Green Belt.

Character and appearance

15. Chester Road, closest to the appeal site, is a busy route within a verdant countryside setting. It is largely enclosed by hedgerows and mature trees, with fields and woodlands beyond. There are pockets of development along nearby roads, but these pockets are predominantly found when moving away from the appeal site. Nearby developments also have a traditional appearance. These features result in the immediate area having a countryside character which assimilates into the wider rural setting, particularly on this side of Chester Road.
16. The appeal building is a detached hipped roof bungalow that has been extended with various single-storey additions. It is constructed of red roof tiles with the exterior formed of brick and hung tiles. It is positioned close to but set back from Chester Road in a large verdant plot which is separated from the adjoining fields by a mixture of trees and hedging.

17. The dwelling sits in an elevated position in comparison to Chester Road and needs some remedial works. It also appears to have suffered some minor fire damage. However, given the height and density of the surrounding landscaping, the condition of the property is not particularly evident from public views, with its roof being the most prominent element. When seen from nearby roads and footways, its traditional roof, modest scale and the verdant landscaping mean that it is unassuming in the street scene and sits comfortably within the rural character and appearance of the locality.
18. The proposed two-storey dwelling would have a contemporary appearance. It would incorporate two-storey gable features at the front and two at the rear with a significant area of glazing on these elevations. Despite being repositioned within the site its size combined with its complex design incorporating numerous design features would result in a conspicuous dwelling. Its high eaves and roof form, combined with its contemporary appearance and footprint, would result in a more dominant roof form and an increase in overall massing compared to the existing dwelling.
19. As a result, the proposed development would not reflect the more traditionally designed buildings which are typical of the surrounding rural area and would result in an incongruous feature in the rural area. The proposed contemporary dwelling would be prominent along Chester Road and from Station Road. Whilst landscaping would be retained and additional landscaping may provide added screening of the dwelling, this would likely take a significant period of time to establish and even then, would not fully assimilate the proposed development into its rural surroundings.
20. None of the examples of other dwellings located near to the site, including The Woodlands, were directly comparable to the appeal proposal in terms of the design and site-specific circumstances. In any event, they do not form the prevailing character and do not justify the site-specific harm identified.
21. For the reason set out above, the proposed development would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policies STRAT 9 and ENV 6 of the LP One and Policies DM 3 and DM 21 of the LP Two. Together, amongst other matters, these seek development to be in keeping with the scale, character and appearance of its surroundings and to protect and respect the intrinsic character and beauty of the local area.

Protected Species and Habitats

22. The appeal site is located close to an area where protected species may be present, including badgers. The appellant's updated Protected Species Survey identifies some badger activity, which also potentially includes a sett. Without accurate measurements of the distance between the badger sett and any excavations, including fence protection, timing of works, and type of machinery/equipment, it is impossible to know whether protected species or habitats will be affected by the proposal.
23. 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.

24. The appellant would be amenable to a planning condition to provide any required information, particularly as they did not have the opportunity to address these ecology concerns during the determination of the scheme. However, as the Circular states, these details need to be known before any determination is made. It would therefore not be appropriate to apply a condition requiring these details at a later stage.
25. Therefore, without full details to substantiate evidence that demonstrates protected species will not be adversely affected, the proposed development could harm protected species and their habitats. It would conflict with LP One Policy ENV 1 and LP Two Policy DM 44, which, amongst other matters, seek to safeguard and enhance biodiversity including protected species.

Drainage

26. The appeal site lies within Flood Zone 1, which is at the lowest risk of surface water flooding. The appellant has advised the existing property and site are served by a septic tank which could be upgraded to serve the proposed development. The Council have raised no objection in this regard, and I have no substantive evidence before me to reach a different conclusion. However, surface water drainage should be considered in accordance with the National Planning Practice Guidance hierarchy of drainage options to deliver sustainable drainage schemes.
27. For surface water management on a site of this scale, this is a matter which could be acceptably resolved through planning condition/s to ensure that site run-off rates meet the requirements of the Lead Local Flood Authority and other statutory bodies. Indeed, a significant area of the appeal site, including at a lower level than the proposed dwelling would remain free from built form that could be utilised for surface water drainage.
28. For these reasons, the surface water drainage of the site could be resolved to align with the requirements of Policy ENV 1 of the LP ONE and Policy DM 41 of the LP Two. These seek, amongst other things, to reduce flood risk, promote water efficiency measures, and protect and enhance water quality.

Other considerations

29. 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. In addition to harm to the Green Belt, the proposal would be harmful to the character and appearance of the area and potentially protected species.
30. Against those substantial harms, the appellant advises that the PD fallback could be built. I accept the position presented by the appellant that there is a clear intention to develop the site, and the fallback options are material considerations. However, even with the loss of some landscaping, the PD fallback must meet all the limitations and conditions under each Class relevant to the proposal. These limitations and conditions are intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and are sympathetic to existing development.

31. In my view, the additional bulk and massing of a two-storey dwelling with the proposed contemporary design would be more harmful to the openness of the Green Belt and character and appearance of the area than the PD Fallback. Moreover, the PD Fallback would not be inappropriate development within the Green Belt. As such, the presence of the PD Fallback alone does not justify granting planning permission, and I afford this matter moderate weight.
32. The appellant states the replacement dwelling will improve living standards for occupiers as the property has become dilapidated and outdated, as well as meeting Building regulation Approved Documents Part M. Repositioning the dwelling would also reduce the impact of noise and light pollution from the nearby road.
33. The appeal scheme would make a neutral contribution to housing supply since the proposal is for a replacement dwelling. I also see no reason why works to improve the condition of the property could not be undertaken. Moreover, in the absence of any detailed evidence to show noise and light impacts from the nearby road are harmful, these matters attract minimal weight in favour of the proposal.
34. In addition, it has also been put forward that the needs of an existing occupier necessitate an accessible, open-plan layout due to the need for wheelchair mobility. However, except for the rear ground floor area, the appeal scheme does not appear to have an open plan layout or provide accessibility to the first floor. In the absence of detailed information on accessibility and limited details on alternative options that have been considered, such as a replacement bungalow, these matters attract only moderate weight in favour of the proposal.
35. Accordingly, having considered all the matters raised as other considerations in support of the development, I conclude that they do not clearly outweigh the substantial harm that I have identified by reason of inappropriateness in the Green Belt and other harms. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

36. The appellant has drawn my attention to a planning permission for a replacement dwelling at Greygarth³. This scheme is located in a different authority with differing circumstances, being within an existing street with properties to either side and is therefore materially different from the appeal scheme. In any event, I have considered the appeal on its own merits.

Planning Balance

37. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
38. The appellant states the Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 identifies

³ Warrington Borough Council Ref: 2023/01039/FUL

the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

39. Matters related to surface water drainage could be made acceptable through condition(s). Nonetheless, the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
40. Therefore, for the reasons given above, the appeal is dismissed.

A Hickey

INSPECTOR