



Appeal Decision

Site visit made on 15 November 2012

by Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2013

Appeal Ref: APP/A0665/A/12/2179308

Land Off Ashton Lane, Ashton Hayes, Near Chester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Equity Housing Group Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref: 11/05914/FUL, dated 20 December 2011, was refused by notice dated 5 July 2012.
 - The development proposed is 15no. affordable houses.
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Preliminary Matters

1. During the application process a revised scheme was submitted for the proposed housing. The Council consulted on that scheme and made its decision based upon it. I shall therefore consider the appeal on the basis of those amended plans.

Decision

2. The appeal is dismissed.

Application for Costs

3. An application for costs was made by Equity Housing Group Ltd against Cheshire West & Chester Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this case are:
 - a) whether or not the proposed development is inappropriate development in the Green Belt for the purposes of Policy ENV 67 of the Local Plan¹ and the National Planning Policy Framework (the Framework);
 - b) the effect of the proposed development on the visual amenity of the surrounding area; and
 - c) the need for and benefits of the proposed development.

Reasons

Inappropriate Development in the Green Belt

5. The Framework explains that new buildings in the Green Belt represent inappropriate development but establishes various exceptions. One of those

¹ The Chester District Adopted Local Plan (2006)

exceptions is limited affordable housing for local community needs under policies set out in a local plan. In this case Local Plan Policy ENV 67 explains that planning permission may exceptionally be granted for a group of low cost dwellings immediately on the edge of a settlement in the Green Belt. This is provided that it is not inconsistent with the purposes of including land within the Green Belt and subject to the requirements of Local Plan Policy HO 12. The site is adjacent to the settlement and thus accords with the locational objective of Policy ENV 67.

6. Local residents express concern about whether the properties would be affordable. It is proposed that 7 dwellings would be for affordable rent and 8 for shared ownership. However, there is no dispute that the properties could be secured by condition so as to accord with the definition of affordable housing as set out in the Framework. Affordable housing units of the sizes proposed (2 and 3 bedrooms) are identified in the Strategic Housing Market Assessment as being of the size needed in this area. I appreciate that the need is identified at a ward level and that needs for the village alone might well be different. However, there is no policy basis on which to restrict housing to village needs only and I am satisfied that ward area would be a 'local' level. The proposal would therefore accord with Policy ENV 67 in this regard.
7. The purposes of Green Belts are set out at paragraph 80 of the Framework. The objective of safeguarding the countryside from encroachment is most relevant here, this being a greenfield 'countryside' site. However, given that Policy ENV 67 steers affordable housing to land adjacent to the edge of a settlement, and as such a location would consolidate existing development, there would be limited harm to the countryside. Thus, the Council does not take issue with the principle of affordable housing in this location, a matter with which I do not disagree. I conclude that the proposal would not represent inappropriate development in the Green Belt. In this respect, it would not conflict with the Framework or Policy ENV 67.
8. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Since the proposal would not represent inappropriate development, I do not have to consider whether there are any very special circumstances to justify the development. However, it is still necessary to assess whether the development would comply with Policy HO 12 as required by Policy ENV 67.

Visual Amenity

9. The appeal site forms part of an open field that is raised above Ashton Lane on the southern approach into Ashton Hayes. The northern boundary of the site adjoins a public footpath, which in turn lies to the south of the Ashton Hayes Conservation Area. Local Plan Policy HO 12 supports, on an exceptional basis, low cost housing on the edge of settlements subject to various criteria. The final criterion relates to the siting, scale, layout and design of the scheme and its relationship to the settlement.
10. As the appellant suggests, within the village there is a variety of housing types and forms. Ashton Lane leads directly to the historic village core around West End, Kelsall Road and Church Road. This area features historic buildings which include terraces and semi-detached houses. To the north and east of the village centre, there are large numbers of 1960-70s bungalows, dormer bungalows and houses as well as former council housing. The village is spread

out over a reasonably large area with an organic road form that includes cul-de-sacs. However, those modest cul-de-sac areas are situated off winding roads within the settlement, rather than directly from the main through road.

11. The Council's and local residents' concerns regarding the density, scale, layout and design of the proposed development flow from the location of the site in a prominent position on the southern edge of the village. The appeal proposal is for a small cul-de-sac which, uncharacteristically for the settlement, would take access directly from Ashton Lane, part of a main approach route. A small terrace and end of terrace dwelling would be orientated to face Ashton Lane, although a parking area would be to the front of one of these, adjacent to the lane. The dwellings fronting Ashton Lane would be set back behind new hedging to reflect that existing along the lane, but the proposed new hedge would be set back from the road edge to provide visibility for drivers using the proposed access. Within the site there would be further small terraces and semi-detached dwellings.
12. In my view, the layout of the proposed development would result in a lack of coherence with the established character areas of the settlement. It would not follow the pattern of development in the village centre, where older areas of high density, often tightly knit, buildings generally face the road frontage. Yet it would also fail to reflect the spacious grain of cul-de-sac developments seen elsewhere in the settlement, in the low density estate areas, where properties generally face the frontage in a flowing way following the road layout. Additionally, the extent of hard surfacing, including frontage parking, would be overly dominant resulting in an unsatisfactorily urban appearance. This would be at odds with the general character of nearby housing areas and it would detract from the appearance of the village at a key gateway location.
13. The proposed dwellings would be of two storeys and simple form like other properties in the settlement. In terms of design detail, I agree with the appellant that there is no single architectural style in the village that the development should mimic. However, I saw that the adjoining Methodist Chapel and neighbouring houses have sufficient architectural detail that they add to local distinctiveness. I consider that the proposed dwellings would have unduly generic designs that would fail to reflect the character of nearby properties and would be harmful to the appearance of the settlement more widely. For example, the proposed houses would have uncharacteristically modern front doors (which are not shown consistently between elevational plans and streetscape plans) and fenestration, as well as relatively long ridges without breaks or features such as chimneys.
14. I do not object to the size of the proposed estate. Bearing in mind that there are some areas of relatively dense development in the historic core, I also find that density of itself is not the issue. My concern is one of design and layout. The revised scheme represents an improvement on the original proposal, because obviously suburban house features have been deleted. However, the development would still appear uncharacteristically urban and standardised rather than something which would be well integrated with the settlement as a whole. It would introduce to the village a further incongruous estate type.
15. Turning to the impact of the development on the Green Belt and countryside, on the opposite side of the road, a little further out from the village there is a well equipped modern playground and what appears to be a modern recreation building set within a car park at a similar land level to the appeal site. To the

rear of the appeal site there is a band of tree planting. Given the existing play area and existing vegetation, and subject to a landscaping condition, I accept that the proposed development could, to an extent, be framed and screened by existing facilities and planting.

16. Nonetheless, the proposed development would reduce the open character of the area and extend the village into undeveloped land. This would not, on its own, justify withholding permission given the scheme is acceptable in principle. However, the land level change, with the site elevated above the road by up to 2 metres would make the proposed development conspicuous on the edge of the settlement. This adds significant weight to my concern about site layout, the amount of hardstanding, and building orientation and design; the proposed housing would unacceptably detract from the open character of the wider rural area and Green Belt.
17. I have had regard to the Design and Access Statement as well as the village character assessment. I appreciate that some design details and materials could be controlled by condition. The Conservation Area, immediately to the north of the appeal site, is defined by domestic boundaries at this edge such that there are no strong views from the site towards this historic part of the settlement, or significant views over the site from the Conservation Area. Despite the shortcomings of the scheme it would on balance not harm the setting of the Conservation Area.
18. Nevertheless, I conclude that the proposed development would cause unacceptable harm to the visual amenity of the surrounding area. The layout, quantum and siting of the hard surfacing in particular do not represent good design. Thus, the proposed development would conflict with Policy HO 12 and thereby ENV 67. I attach significant weight to these policies since they accord with the aim of the Framework to ensure that developments will function well, have a sense of place, respond to local character and history and be visually attractive as a result of good architecture. In addition, the Framework clarifies that it is proper to seek to promote local distinctiveness and that decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
19. In reaching this conclusion, I have had regard to the fact that the appellant sought to negotiate the design with Council officers, who recommended that the scheme be approved. The Conservation Officer had no objections to the revised scheme. However, the officers' views were not binding on the Council and they do not alter my assessment of the proposed layout and design.

The Need For and Benefits of the Proposed Development

20. There is no doubt that there is an affordable housing need in this location. The appellant describes a shortage of 38 affordable dwellings in this ward alone, and a substantial shortage of affordable houses across the Council area as a whole. I do not dispute the figures – and I have noted that the need is for two and three bedroom dwellings as proposed. The Framework clearly supports the delivery of affordable housing to meet local needs, including through 'rural exception' sites where appropriate.
21. This site is clearly available and could be brought forward in the near future. The appellant has provided figures which set out viability of the proposal. Grant funding has been awarded but this may be 'clawed back' if the scheme

does not commence. Furthermore, the viability of the development has altered by virtue of the changes in proposed tenure to increase the numbers of rented properties to reflect local needs. The limited evidence provided indicates that the scheme would be viable, at this density, and as required by Policy HO 12.

22. Whilst local residents would wish to see this application considered in the light of a neighbourhood plan, the Council explains in the committee report that such a plan is at an early stage and no document has been put forward for my consideration. Local residents also seek that affordable housing should be scattered throughout the settlement. However, there is no policy basis for taking such an approach. Any future application for an extension of this site or other phase of development would have to be considered on its merits.
23. I conclude that there is a need for affordable housing in this area and the proposed development would provide a local benefit in that respect that weighs in favour of the scheme. However, the appellant has not shown that an affordable housing scheme with the same number and mix of house sizes and tenures could only be delivered with the design and layout proposed. I also find that, while funding may be jeopardised, there is little evidence that it would be irrevocably lost if the appeal is dismissed.

Other Matters

24. The proposal would provide 15 dwellings and the Council would normally have sought play space on site. However, the given the proximity of the appeal site to an existing play ground, the Council sought instead a financial contribution or commuted sum for off-site play space. Although the appellant originally stated that they would provide this via s.106 agreement they now explain that there is no need for the contribution and that making it would have an impact upon the viability of the scheme. Local Plan Policy SR 5 makes it clear that play space provision is required where there is a 'proven deficiency'. The policy concludes that where adequate facilities exist, the guidelines will be adjusted. It seems to me that there is no proven deficiency in play space in this area; rather there is an acknowledgement that a good space exists very nearby. As such the lack of a s.106 agreement, in this case, would not result in conflict with policy SR 5.
25. There is a strong ambition by villagers for the village to be carbon neutral. The proposed houses would be built to Level 4 standard for the Code for Sustainable Homes. This may not be the highest code rating for energy efficiency, but it is higher than the minimum and it thereby represents a positive approach. Although local residents explain that the village does not have a bus service such that future residents would be likely to use cars, the village has a number of facilities including a school, a shop and churches so reducing the extent of likely reliance on private vehicles.
26. Despite local concerns raised about traffic and highway safety, no objections are raised by the Council's Highways Officer although conditions are sought. I agree that the scheme would be acceptable in this regard and that the retention of agricultural access to the adjacent field through the appeal site would not pose an unacceptable traffic risk. Off site highway works could be secured through the use of a 'Grampian style' condition requiring the works to be carried out prior to the commencement or occupation of the appeal scheme.

27. Local residents are concerned about antisocial behaviour of future residents or youths, particularly in respect of parking courts. In this proposal parking courts are split into small, relatively private areas which, in my view, are unlikely to attract groups. Moreover, there is no evidence before me to explain why antisocial behaviour is likely in this locality as a result of the proposed development. As such I do not attach any significant weight to this matter.
28. Habitat surveys indicate that the proposed development would not threaten protected species including great crested newts or bats. I find that nature conservation interests could be secured by imposing a condition to ensure that any hedge removal takes place outside of the bird nesting season and to require a mitigation plan in connection with badgers that may cross the site. Other conditions could ensure that the site is adequately drained, to prevent flood risk, and to safeguard any archaeological remains present on the site.
29. A local resident suggests that there may be a restrictive covenant on the land. That would be a matter for consideration under civil law rather than one for this appeal. I support the Council's view that there would be no unacceptable loss of agricultural land.

Conclusion

30. The Framework sets out a presumption in favour of sustainable development. I have found that the proposed development would be sustainably located and that it could meet sustainable standards of construction. However, it is the policies in the Framework as a whole which set out what sustainable development means in practice. The Framework explains that good design is a key aspect of sustainable development and is indivisible from good planning, and should contribute positively to making places better for people.
31. I have found that the proposed development would not be inappropriate development in the Green Belt and it would provide a benefit to the local area by helping to address an outstanding need for affordable housing. However, I conclude that the harm it would cause in respect of character and appearance is an overriding objection. Given the lack of evidence that an alternative scheme could not be designed, the adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits. For this reason, and having regard to all other matters raised, the appeal fails.

Zoë Hill

Inspector