

Appeal Decision

Site visit made on 6 December 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/R0660/W/16/3158424

Doddington Park House, London Road, Doddington CW5 7NJ.

- 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 Renew Land Developments Ltd against the decision of Cheshire East Council.
 - The application Ref: 16/1295N, dated 15 March 2016, was refused by notice dated 19 August 2016.
 - The development proposed is hedgerow removal and relocation and construction of access for agricultural and domestic vehicle use.
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Preliminary Matters

1. The drawings attached to this proposed development show a new access to the south of an existing wide field gate (that gate being shown to be closed up). The report from Reading Agricultural Consultants (RAC) on the other hand indicates that the development proposes modifications to an existing field access (paragraph 1.03). For the avoidance of doubt I confirm that I must consider the proposal on the basis of the drawings considered by the Council. The full extent of the proposed drive and access is shown on drawing number SCP/15058/F01 Revision A, and it is that proposal which I have considered.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in the appeal is the impact of the proposed development on the character and appearance of the surrounding rural area.

Reasons

4. The Council's reason for refusing permission relates principally to the lack of justification for the development given that it is in open countryside where there is strict control. However, Policy NE.2 of the Borough of Crewe and Nantwich Local Plan (LP) which forms the development plan, does make exceptions for development which is essential for the purposes of agriculture, or other uses appropriate to a rural area. Policy PG 5 of the emerging Cheshire East Local Plan (eLP) has similar objectives.
 5. The report by RAC and the appeal statement indicate that it is essential for the farm business to be able to move large agricultural vehicles safely onto and off
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the public highway. At present I am informed that the only option for agricultural vehicles is to the north, and I saw at my site visit that this access does not enjoy especially good visibility when emerging from the track over which a right of way exists. Even if the southern access were available for large vehicles I can well understand that the potential for conflict with the recently approved development at Doddington Hall would be of concern. I also accept that the tree lined nature of the southern access may be problematic for large vehicles.

6. The nature of the business clearly requires the farm buildings and land to be visited by bulk transporters of both agricultural produce and livestock. The restrictive nature of the current access arrangements, and the configuration of the existing access point(s), leads me to accept that these arrangements are unsatisfactory. Consequently I am satisfied that it has been shown that new access arrangements are essential. That leads me to consider the proposal as shown on the submitted drawings.
7. The Council's refusal indicates that the proposed access would be an intrusion. I agree that the removal of about 100m of hedgerow is not to be taken lightly. But the hedgerow would be replanted and in my experience would quickly result in a satisfactory roadside boundary. In any event the road here is relatively straight and the hedgerow is experienced as a fleeting feature in passing. It is unlikely that any passing motorist would find the temporary loss of the hedgerow an especially detrimental feature of the journey through the area.
8. However, the new roadway as proposed would leave the A51 and climb in an almost straight line up the hill leading to the west. This would introduce a strident feature on the hillside running immediately across the contours rather than working with the topography on the ground. As a result the overall effect of the road proposed would be a somewhat urban feature in an agricultural setting. I bear in mind here that the land is also part of a registered park and garden, albeit retaining little in the way of any historic features or field boundaries. Nonetheless the proposed road would not sit well with that designated landscape in its present form and would cause less than substantial harm to it. Though the Council did not refuse permission on the grounds of the impact on the registered park I am bound to consider that point.
9. Taking the main issue in the round, therefore, I find that the particular design of the proposal would be harmful to the character and appearance of the surrounding rural area albeit that I am satisfied that the need for the new access has been shown to be essential in this case. Even so there would be conflict with the requirements of Policy NE.2 which seeks to ensure that any essential development respects the character of the countryside.
10. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR