
Appeal Decision

Site visit made on 12 August 2019 by Hilary Senior BA(Hons) MCD MRTPI

Decision by Susan Ashworth BA(Hons) BPL MRTPI

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

Decision date: 12 September 2019

Appeal Ref: APP/A0665/W/19/3229161

Street Hey, Street Hey Lane, Willaston, Neston, CH64 1SU

- 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 Mr & Mrs Kewin against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04895/FUL, dated 19 December 2018, was refused by notice dated 3 May 2019.
 - The development proposed is new self-contained access road to service the dwelling at Street Hey, Street Hey Lane, Willaston, Neston, CH64 1SU.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Issue

3. Since the application was determined, the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies Plan (July 2019) has been adopted by the Council. Along with the Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015) it now forms the development plan for the area.

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;
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether Inappropriate Development

5. The proposal is for an access road to provide an independent access to a new dwelling. The building was originally approved as an outbuilding to the existing

dwelling, Street Hey, but was approved on appeal for use as an independent dwelling. Access to it, at the time of the decision, was a shared access with the existing adjoining property. This proposal would create a new access from Street Hey Lane.

6. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. However, paragraphs 145 and 146 of the Framework identify types of development that are exceptions to this. The list includes engineering operations (paragraph 146 (b)). Section 336 of the Town and Country Planning Act 1990 interprets engineering operations as including the formation and laying out of means of access to a highway. Consequently, this proposal would be an engineering operation.
7. In order to be considered an exception paragraph 146 requires that the engineering operation preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
8. Openness, in the context of the Green Belt could be taken to mean the absence of built development but it could also be a manifestation of a particular use. In this case vehicles using the access would be apparent. However, given the limited frequency with which the access would be used, such an impact would be minimal. The proposed access road would not therefore harm the openness of the Green Belt nor would it contravene the purposes of including land within it.
9. Both the appellant and the Council concluded that the proposed access road is not inappropriate development in the Green Belt. Given the above analysis I concur with this view. Having found that the proposal would not constitute inappropriate development very special circumstances are not required to justify the appeal.

Effect on character and appearance

10. Street Hey Lane is a quiet narrow country lane leading to a bridleway and is characterised by hedges and trees to the boundaries and sporadic detached dwellings along its length.
11. As part of the construction work for the dwelling, a temporary access has been created from Street Hey Lane. This has necessitated the removal of the hedgerow and installation of temporary gates into an existing fence. This work has had a detrimental effect on the character of the area through the removal of the vegetation. The creation of the visibility splay for the proposed access would necessitate the removal of a further length of vegetation and would introduce a permeant urban feature into an otherwise rural lane. Whilst I recognise that there are other vehicular access points onto the lane, the addition of further openings and hard surfaced areas would have a cumulative, harmful impact on both the character and the appearance of the area.
12. Regardless of the conclusion that the development is not inappropriate development in the Green Belt, Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part 1) Strategic Policies (2015) seeks to protect the intrinsic character and beauty of the countryside. For the above reasons, the access onto Street Hey Lane would have an urbanising effect on the countryside contrary to that Policy.

13. I acknowledge that having separate vehicular access points could be beneficial to the occupiers of both properties in terms of outlook and privacy. However, I am not persuaded that the approved scheme, which appears to have been designed to minimise the impact of the development on the character and appearance of the area, would be unduly detrimental to the living conditions of the occupiers of either of the dwellings. Consequently, any private benefit arising from the separate access point does not outweigh the harm I have identified.

Conclusion and Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR