



Appeal Decision

Site visit made on 19 September 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/R0660/W/19/3233721

Spurstow Smithy, Long Lane, Spurstow CW6 9RF

- 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 Paterson & Bolton against the decision of Cheshire East Council.
 - The application Ref 19/2010N, dated 24 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is change of use of a small area of agricultural land to provide residential car parking for Smithy Lane Cottage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Paterson and Bolton against Cheshire East Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the open countryside.

Reasons

4. The appeal site lies in the open countryside and forms part of a large field that is enclosed by hedgerows which are interspersed with trees. Spurstow Smithy, a Grade II Listed Building lies to the side of the field. It is separated from the field by tall hedges. The proposal would create a small gap in these tall hedges to allow pedestrian access into the field, where a parking area for two vehicles would be formed. This would include a long driveway that would run parallel with Long Lane, away from Spurstow Smithy before turning to join the highway at a point where there is a gap between the existing trees on the boundary of the field. An additional hedgerow would be planted to the back of the driveway and parking area, effectively severing this from the rest of the field.
5. In rural areas, Policy PG6 of the Cheshire East Council Local Plan Strategy 2010-2030 (LPS) (2017) only permits development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, or essential works by statutory undertakers or for other uses. A number of exceptions are also allowed, including extensions to existing dwellings, where the extension is not disproportionate to the original building. Whilst the

proposal would clearly not extend an existing dwelling, it would, however, extend the curtilage of the dwellings plot. The appellants contend that this therefore could also be considered as being acceptable given the very general thrust of the Policy.

6. Policy SE4 of the LPS requires proposals in the open countryside to conserve landscape character and quality and sets out further criteria that proposals are expected to achieve in such locations. As such, it is clear from the wording of the policy that certain types of development are indeed acceptable in the open countryside. The appellants consider the proposal respects the landscape in the area and to also to be in alignment with the National Planning Policy Framework (the Framework), notably paragraph 170, which requires proposals to contribute to and enhance the natural and local environment.
7. The proposal would be enclosed by existing and newly planted hedgerows and partially screened by existing mature trees. As a result, the proposal would not be readily visible from the highway. The appellants have suggested that as a result of this that the proposal would be therefore be acceptable and would conserve then character and quality of the landscape. Whilst it is undeniable that clear consideration has been given to minimising any visual impact, the proposal would still, nonetheless result in the non-essential development of what is currently a green and open corner of an agricultural field in the open countryside.
8. The appellants have also drawn my attention to a number of other dwellings nearby, which have accesses and driveways which they consider to result in the partial urbanisation of the area. They go on to suggest that as a result of this, the level of encroachment into the open countryside that would occur as a result of the proposal would not be disproportionate. Whilst I accept that other dwellings nearby do have driveways and parking, some of this provision appears to have been there for a significant time and would be likely to have been provided as part of the original development of those properties, with the parking and driveway areas being contained neatly within the boundaries of its respective dwelling. As such, these other examples are not directly comparable to that which is before me.
9. In contrast, the proposal would effectively result in the curtilage of Spurstow Smithy spilling out of its currently tightly defined boundary, which is formed by hedgerows. This would result in the curtilage spreading out in a linear manner along a significant length of Long Lane. This spread of domestic curtilage and encroachment into the open countryside would clearly be disproportionate, as it would change the character and appearance of not only the corner of the field that forms the appeal site but also the entire field itself, as the enclosure in the manner proposed would alter the broadly rectangular shape of the field as it currently stands. As a result of these changes, the proposal would clearly be harmful to the character and appearance of the open countryside.
10. In addition to this, further harm would then be likely to occur in the future, as the appeal site becomes used more by the occupiers of Spurstow Smithy. It would be quite probable that domestic paraphernalia would begin to accumulate over time, which would fail to conserve and enhance the currently green and open character and appearance of the appeal site and the wider surrounding area.

11. For the above reasons, I conclude that the proposal would result in a disproportionate and non-essential form of development, which would be harmful to the character and appearance of the open countryside. Consequently, the proposal would be Contrary to policies PG6 and SE4 of the LPS. These policies only permit proposals for essential development in the open countryside where they conserve and enhance the character and appearance of the local area.

Other Matters

12. The appellants have highlighted the fact that at present, vehicles park on the roadside near to a bend in the road, which they consider to be unsafe, which is also a view shared by the Parish Council, who have submitted a letter in support of the proposal. A highways report has also been commissioned for the proposal, which considers the current arrangement to be unsuitable for current day conditions. A traffic survey was undertaken as part of the highway study and I note that this advises that the majority of vehicles using the road at the time were driving at speeds slower than the speed limit. Furthermore, the report advises that there are no records of any accidents having occurred here and no concerns in this regard have been raised from the Councils Highways Officer. Whilst it is accepted that the current lack of parking provision may not be desirable for the appellants, it is clear that the property has been in existence for a very significant period of time and no accidents have occurred. As a result, I do not consider the need for off street provision to be greater than the harm that would occur to the open countryside if the proposal were to go ahead.
13. Spurstow Smithy is a Grade II Listed Building and dates from 19th Century. It is set within its own gardens and is enclosed by tall hedgerows. Other than the insertion of small gap in the tall boundary hedgerow to allow pedestrian access, the proposal would not alter anything within the Spurstow Smithy site itself. Due to this and the fact that the parking area on the adjacent land would largely be concealed by existing hedgerows, there would be no harm to the setting of the Listed Building.

Conclusion

14. For the reasons set out above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR