



Appeal Decision

Site visit made on 21 January 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/A0665/W/19/3240438

Wilbur Cottage, Long Lane, Saughall, Chester CH1 6DN

- 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 Allan Moore against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01639/FUL, dated 28 April 2019, was refused by notice dated 8 August 2019.
 - The development proposed is the erection of brick walls (1300mm in height), timber gates and brick gate pillars (1400mm in height).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of brick walls (1300mm in height), timber gates and brick gate pillars (1400mm in height) at Wilbur Cottage, Long Lane, Saughall, Chester CH1 6DN in accordance with the terms of the application, Ref 19/01639/FUL, dated 28 April 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the drawings submitted with the application.
 - 2) The access gate hereby permitted shall open inwards or slide within the site and shall be retained as such thereafter.

Procedural Matters

2. The description of development, as stated on the application form describes matters that do not constitute a description of development. The Council, on the decision notice, has described the development as 'erection of brick walls (1300mm in height), timber gates and brick gate pillars (1400mm in height) - partly retrospective'. However, I consider that the description of development is more accurately described as 'erection of brick walls (1300mm in height), timber gates and brick gate pillars (1400mm in height) omitting the phrase 'partly retrospective' which is not a description of development. I have determined the appeal on this basis, and I have used this description in the header above.
3. The Council's decision notice describes the development as 'partly retrospective' and I saw on my site visit that work had commenced and the brick walls were in situ. I note from the evidence provided that the walls on site have been reduced from a previously erected 1.3m in height to 1m. No amended plans have been submitted as part of the appeal. Work on the

proposed gate, indicated on the submitted plans, did not appear to have begun. For clarity I have assessed the proposals based on the plans submitted with the application.

Main Issues

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. Wilbur Cottage forms part of a small group of properties near the junction of Long Lane and the A540. It is located a short distance from the village of Saughall and a footpath runs along the road from the junction to the village.
6. I recognise that the appeal site lies within open countryside for planning purposes. However, the visible presence of the village, the footpath, as well as the urbanising influence of the intermittent development, highway infrastructure and agricultural fields along Long Lane and the A540, lead me to conclude that the site has a semi-rural character.
7. The appeal property has a large landscaped garden which extends alongside the road where glimpses of the garden can be achieved. The access leads into this garden which is used in association with Wilbur Cottage and an annex. Due to its formal arrangement, materials and design of the gate, the proposed development would have a particularly domestic appearance.
8. I recognise that the proposal is a reasonable distance from the host property. However, the development would still be clearly seen in the context of the formal garden and its associated accoutrements and the group of residential properties. Given this context it would not, in my view, appear as an incongruous feature in the open countryside and would not harm the naturally landscaped rural character of the wider area.
9. I recognise that historically the access and appearance of the site had a more rural character. However, the current use and appearance of the site is now more domestic in nature. Moreover, I saw a variety of boundary treatments and access gates in the area. The proposed development would, in my view, be compatible with the character and appearance of this semi-rural context and in particular the character of the group of properties along Long Lane.
10. I therefore conclude that the proposed development would comply with the requirements of Policies STRAT9, ENV2 and ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies and Policy DM3 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies. These policies, amongst other things, require that development be of an appropriate scale and design to not harm the character of the countryside. These policies are consistent with the National Planning Policy Framework and can therefore be given significant weight.

Other Matters

11. The proposed development would provide access and privacy to the garden space adjacent to Long Lane. This is a busy road and I recognise the appellant's desire to provide a safe and secure access to the garden space. The Council highlight that there is no essential need for the proposal and I

recognise that there is an alternative garden space available. However, given my findings on the main issue I do not consider these matters to be determinative in this case.

Conditions

12. I have considered the Council's proposed conditions in accordance with the Planning Practice Guidance. I agree that there should be a condition that works are to be carried out in accordance with the submitted plans to provide certainty. It is reasonable and necessary to ensure that the access gate does not open outward toward the highway in the interests of maintaining the free flow of traffic and highway safety. The Council suggests commencement and materials conditions, however these are not necessary due to the stage reached in construction and details provided in the plans.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be allowed.

Robert Walker

INSPECTOR