



Appeal Decision

Site visit made on 1 September 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2020

Appeal Ref: APP/R0660/D/20/3251081

Holly Bank, Holmes Chapel Road, Davenport, Cheshire CW12 4SS

- 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 A Leese against the decision of Cheshire East Council.
 - The application Ref 19/3836C, dated 12 August 2019, was refused by notice dated 4 February 2020.
 - The development proposed is an extension to existing outbuilding to form double garage and implement storage and alterations to existing building to form living accommodation. Removal of existing vehicular access and formation of new vehicular access.
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Decision

1. The appeal is allowed, and planning permission is granted for an extension to the existing outbuilding to form double garage and implement storage and alterations to the existing building to form living accommodation. Removal of existing vehicular access and formation of new vehicular access at Holly Bank, Holmes Chapel Road, Davenport, Cheshire CW12 4SS in accordance with the terms of application, Ref 19/3836C, dated 12 August 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The Council's focus of objection is the proposed new vehicular access. I shall therefore focus on that aspect in my decision. It is clear from the Officer report that the Council had no objection to the extension and conversion of the outbuilding and I have no reason to take a different view. For the purpose of dealing with the appeal I have taken the access to include the associated driveway and turning area indicated on the submitted appeal drawings.

Main Issue

3. The effect of the proposed access on the character and appearance of the open countryside.

Reasons

4. The appeal property is located within the open countryside. The highway in the vicinity of the appeal site is lined by attractive mature hedgerow and open fields, on both sides. There are also infrequently occurring properties further afield with vehicle and pedestrian accesses present along the road.

5. The new access would be situated close to the appeal property. The access, associated driveway, parking and turning area would amount to a modest amount of hardstanding relative to the size of the open field it would encroach into and would be discreetly positioned towards the corner. Whilst the existing hedgerow would be cut back to accommodate visibility requirements, it would be largely left in situ.
6. The access would maintain the same current levels of openness as the field as it would be on the same level. Furthermore, the submitted plans show that the existing access would be closed off with planted hedgerow which would be in keeping with existing landscape features. The resultant number of accesses serving the property would also remain unchanged thus the potential proliferation of domestic accesses eroding from the landscape through unnecessary additional breaks in hedgerow would not arise.
7. Accordingly, the development would not harm the character and appearance of the area. It complies with Policies MP1 and PG6 of the Cheshire East Local Plan Strategy (2017) which support sustainable development and that development preserves the appearance and distinctiveness of the countryside. It also complies with Saved Policies PS8 and H17 of the Congleton Borough Local Plan First Review (2005) which seek to protect the openness of the countryside, local character and landscape interests.

Other Matters

8. The existing access could provide the same level of visibility onto the highway as the proposed access. However, the new access would enable better turning and vehicle manoeuvrability within the constraints of the appeal site itself. Because of this, the new access provision considered in totality would allow drivers a greater prospect of exiting the site in forward gear when other vehicles are parked within the confines of the site. This would provide a safety benefit by reducing the potential risks for exiting vehicles to. But in any event, I have not identified any substantive harm arising from the proposal.

Conditions

9. The Council have provided a list of suggested conditions which are not contended by the appellant. Taking those into account I have attached conditions relating to standard time limit, plans, landscaping and ancillary use of the converted building, as these are all necessary. I have modified the suggested landscaping condition to enable its enforceability and to give flexibility for certain works to be carried out without detriment to safety levels. I have also made a minor modification to the suggested ancillary use condition also to ensure its enforceability.

Conclusion

10. For the above reasons I allow the appeal.

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plan drawing numbers 19/1776/2, Drawing no.1 – proposed

re-sited vehicular access/ driveway layout plan, Drawing no.2 – proposed Site Location Plan with extended red-edge residential garden curtilage.

- 3) Prior to constructing the new access part of the development hereby approved, a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. The approved details shall then be fully implemented before the new access is in use.
- 4) The residential conversion and extension of the rear outbuilding shall be used for ancillary domestic purposes only in connection with the main dwelling. It shall at no time be used for the purposes of a separate dwelling and shall at no time be used for commercial purposes.

M Shrigley

INSPECTOR