



Appeal Decisions

Site Visit made on 22 September 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal A Ref: APP/R0660/W/21/3274903

Land North of Weston Lane, Shavington, Crewe, Cheshire

- 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 Dominic Shaw against the decision of Cheshire East Council.
 - The application Ref 20/1045N, dated 6 March 2020, was refused by notice dated 18 November 2020.
 - The development proposed is described as: "Provision of separate vehicular egress and alteration and widening of existing listed stone gate piers to allow agricultural vehicular access and reduce vehicular movement conflict".
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Appeal B Ref: APP/R0660/Y/21/3275219

Land North of Weston Lane, Shavington, Crewe, Cheshire

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Dominic Shaw against the decision of Cheshire East Council.
 - The application Ref 20/1046N, dated 6 March 2020, was refused by notice dated 18 November 2020.
 - The works proposed are described as: "Provision of separate vehicular egress and alteration and widening of existing listed stone gate piers to allow agricultural vehicle access and reduce vehicular movement conflict".
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. In the banner headings I have used the site address from the appeal form, which more clearly describes the location of the site than that used on the application forms, and which is consistent with the address used on the Council's decision notices. I am satisfied that the location of the site is clear from the submitted drawings.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have considered the appeal on the basis of the revised Framework, which the main parties have had the opportunity to comment on as part of the appeal process.
5. The appeals relate to a gateway at the historic entrance to a grade II listed building, Shavington Hall. A request for the gateway to be listed in its own right was refused by English Heritage¹ some years ago. Nevertheless, the gateway is

¹ Now Historic England

included within the listing of Shavington Hall itself by virtue of section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have considered the appeals on that basis, and having regard to my statutory duties under sections 16(2) and 66(1) of the Act.

Main Issues

6. The main issues are:

- whether the proposals would preserve the grade II listed building, Shavington Hall, and any of the features of special architectural or historic interest that it possesses;
- the effect of the proposals on the setting of the grade II listed building, Shavington Hall; and
- the effect of the proposals on the character and appearance of the area.

Reasons

Special interest and setting of Shavington Hall, and character and appearance

7. The gateway is located at the historic entrance to Shavington Hall, a grade II listed country house which was constructed in 1877 for the Earl of Shrewsbury.
8. Shavington Hall itself now takes access from a separate entrance gateway, of relatively recent construction, further along Weston Lane to the east of the site. The single width drive that runs through the gateway to which these appeals relate serves the outbuildings to the Hall, which have been converted to residential use.
9. It has been suggested that, on the basis of historic maps, the existing gateway structure may have been built and/or widened in the early 20th century. However, those maps are not at a sufficiently accurate scale to deduce with any certainty if the gateway has been widened or altered. In any event, it is evident from the historic maps that the drive running through the appeal gateway was the original entrance to the Hall. Furthermore, access to Shavington Hall is still possible from the appeal gateway via a spur from the access drive which runs through it. The historic physical and functional connection between the gateway and Shavington Hall thus remains legible.
10. The gateway is comprised of stone inner piers on either side of the drive and curved walls extending outwards to two outer piers closer to Weston Lane. The historic entrance gates have been removed and modern railings of an inauthentic appearance have been installed on top of the walls on either side of the entrance gateway. The stone caps to the inner piers have also been removed and some cracks and dents to the piers are evident. However, despite its current condition and appearance, and although it may have been subject to later alterations, the gateway has maintained the proportions of a historic carriage entrance, providing access to Shavington Hall for horse-drawn vehicles. With its stone piers and stone walls, it has also preserved a traditional, rural character and maintained a sense of separation and distinction from the 20th century housing development that has grown up along Weston Lane to the west.
11. The gateway is relatively simple in its appearance. However, its robust stone piers give it a strong presence in the street scene and its low stone walls,

curving inwards away from the road, draw the eye to the gateway entrance and along the tree-lined drive beyond. Although less detailed than Shavington Hall itself, the gateway's materials and appearance are consistent with its rural surroundings, including the tree-lined access drive on the historic approach to the Hall beyond, and it serves as a simple, elegant entrance to the country house at Shavington Hall, indicating the presence of the Hall further along that tree-lined drive, from public vantage points on Weston Lane.

12. Therefore, and as an access spur still branches off the driveway into Shavington Hall beyond the gates, the historic connection between the gateway and Shavington Hall remains evident and legible, even though direct views between the Hall itself and the gateway and Weston Lane are limited by intervening vegetation.
13. Consequently, despite its current condition, the gateway contributes to the special interest of the listed building, Shavington Hall, including with regard to its width and proportions, which preserve the understanding of the gateway as a historic carriageway entrance to that country house.
14. As the gateway preserves and contributes to the understanding of Shavington Hall and its historic estate layout and access and circulation routes, including with regard to its location, width and proportions, the gateway also contributes to the setting of Shavington Hall.
15. The appeal gateway and historic entrance to Shavington Hall are located on the outskirts of Shavington Village, just beyond a row of houses on Weston Lane to the west. At this point, the character and appearance of Weston Lane change and the road frontage becomes more semi-rural, tree-lined and open to the east, in contrast to the more formal, domestic built-up frontages within the village to the west. The modest scale and simple appearance of the appeal gateway, its natural stone walls and piers, the tree-lined access drive beyond it and the dense vegetation along the northern side of Weston Lane to the east all make a strong contribution to the soft, informal, semi-rural character of Weston Lane as it leaves the village and heads out into open land.

Effects on the special interest and setting of Shavington Hall and on character and appearance

16. The relocation of the inner gate piers and the widening of the opening between them to the extent proposed would be perceptible and would notably alter the proportions of the gateway. The width and appearance of the resultant gateway would be wider than the historic carriage entrance and would have the scale and proportions of a modern vehicle entrance. It would also appear disproportionately wide in relation to the single width access drive which runs through and beyond it.
17. The works would therefore confuse the understanding of the gateway as a historic carriage entrance and erode the legibility of its historic function and association with Shavington Hall. As a result, the widening of the opening between the inner piers would fail to preserve the contribution the existing gateway makes to the special interest of the listed building, Shavington Hall, and to its setting. The gateway's current appearance and condition do not justify the creation of the further harm that would arise in that regard.

18. The introduction of a new, separate vehicular egress, bypassing the existing gateway and leading directly onto Weston Lane just to the east of it, would further confuse and erode the understanding of the historic access and circulation routes associated with Shavington Hall, and thus the setting of the listed building. Although the large entrance gateway to Shavington Hall which has recently been constructed further along Weston Lane has already caused some harm in that regard, that existing harm does not justify the creation of further harm that would result from this proposal.
19. The removal of vegetation and the creation of a further vehicular egress point onto Weston Lane, with a relatively wide area of hard surfacing running along the site frontage, would also introduce an unduly hard, urban feature which would appear wholly incongruous within, and detract significantly from, the soft, verdant semi-rural character and appearance of Weston Lane.
20. I have been referred to previous appeal decisions relating to schemes which included works to alter and widen the gateway, which were dismissed². The increased width proposed in the current appeals would be less than was proposed in those cases. Nevertheless, having considered the appeals before me on their own merits, I conclude that the extent of widening proposed in this case would unacceptably erode the appearance and legibility of the gateway and its contribution to the special interest and setting of Shavington Hall for the reasons given.
21. The proposals would therefore fail to preserve the special interest of the listed building and would cause harm to its setting. They would also have a detrimental urbanising effect on the Weston Lane frontage, which would harm the character and appearance of its surroundings.

Conclusions on the main issues

22. I have found harm to the special interest and setting of the grade II listed building, Shavington Hall, and harm to the character and appearance of the area. Given the scale of the development, the harm to the listed building and its setting would be less than substantial. However, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal.
23. Some deterioration to the condition of the inner gate piers was evident at the time of my visit, including cracks and dents. However, from the limited evidence before me, I cannot be certain how or when that damage arose, that it can demonstrably be attributed to impact by, or the weight of, vehicles using the entrance, including refuse vehicles or delivery vehicles associated with the residential use of the converted barns at Shavington Hall, or that further deterioration is therefore inevitable as a result of that existing use. Nor have I received any indication from occupants of the converted barns at Shavington Hall, some of whom have made representations on the proposals, that the gateway's existing width presents a constraint to its use as a means of access to their properties, including by large delivery or removal vehicles or refuse vehicles.

² Appeal references: APP/R0660/A/13/2200462 and APP/R0660/E/14/2211111

24. The appellant has suggested that the widening of the gateway would allow some commercial use of their land, which is accessed via that entrance. However, as I have very little information before me regarding the nature of the intended use referred to, I cannot be certain of the likely implications of such a use in terms of the frequency or type of vehicles using the entrance.
25. The swept path diagrams submitted indicate that it would be possible for a large 4x4 vehicle, a 4x4 vehicle towing a horse box trailer, and a 7.5t box van to get through the existing entrance gateway. Occasionally, such manoeuvres may require vehicles to cross onto the other side of Weston Lane. However, I have nothing substantive before me to indicate that the existing use of the gateway, including by large delivery, removal or refuse vehicles in association with the residential use of the converted barns at Shavington Hall, has had adverse implications for highway safety. Nor have I reason to conclude, based on the limited information before me, that the use of the gateway by such vehicles in association with any permitted use of the appellant's land would have adverse implications for highway safety or demonstrably increase the likelihood of damage to the gateposts, such that the widening of the gateway would be justified on those grounds.
26. A swept path diagram tracking the movement of a large refuse collection vehicle has also been provided. However, I have not been presented with any substantive evidence to indicate that the use of the gateway by refuse vehicles in association with the residential use of the barns at Shavington Hall has demonstrably led to the deterioration of the gateposts. Nor have I any information to indicate why large refuse vehicles would need to use the gateway in association with any permitted use of the appellant's land served by that access, or that its use by such vehicles would increase to such a degree that it would have demonstrable adverse implications for the condition of the gateposts or that the widening would be justified on that basis. Therefore, I afford this limited weight as a public benefit.
27. The existing gateway may not be wide enough to allow the two way passing of vehicles. However, vehicle movements associated with the residential properties at Shavington Hall Barns served by the gateway are likely to be limited. I have no substantive evidence to indicate that the use of the existing gateway in association with the residential use of those barns, including by refuse or delivery vehicles, has led to issues of pedestrian or vehicle safety. In the absence of any detailed information regarding the suggested potential commercial use of the other land served by the access, I am not convinced that vehicle movements through the gateway would increase to such a degree that it would significantly increase the likelihood of conflict between vehicles at the entrance or safety issues on Weston Lane, or that the widening of the entrance and provision of a separate vehicular exit drive would thus be necessary or justified on that basis. Therefore, I afford these matters limited weight as public benefits.
28. I have noted the appellant's stated intention to carry out works to restore the gateposts, including dealing with structural defects and reinstating their gates and pier caps. Such works would be of benefit and would potentially enhance the gateway. However, it has not been demonstrated by reference to any substantive evidence that the proposed relocation of the inner gate posts and the widening of the entrance gateway would be necessary in order for those repair and restoration works to be carried out or those benefits to be realised,

or that the repair and restoration works could not be carried out independently. Therefore, I afford this little weight as a public benefit.

29. For the reasons given, the public benefits put forward do not, in their totality, outweigh the great importance and weight I afford to the harm to the designated heritage asset that I have identified.
30. Therefore, I conclude that the proposals would fail to preserve the special interest and setting of the grade II listed building, Shavington Hall, and would cause harm to the character and appearance of the area. The harm arising would not be outweighed by any public benefits which may arise. The proposals would therefore conflict with Policy SE 7 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 and Policy BE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which, collectively, seek to avoid harm to heritage assets and their settings.

Other Matters

31. The site is opposite another grade II listed building, Shavington Lodge. However, as the works relate specifically to the access to Shavington Hall, a separate building, and given the separation between the site and that other nearby listed building, there would be no harm to the setting of Shavington Lodge as a result of the proposals.

Conclusion

Appeal A

32. The proposed development would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that **Appeal A** should be dismissed.

Appeal B

33. For the reasons given, I conclude that **Appeal B** should be dismissed.

Jillian Rann
INSPECTOR