



Appeal Decision

Site visit made on 25 January 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/R0660/W/22/3308045

Land Off Peter Destapleigh Way, Nantwich

- 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 Steve Bourne of Muller Property Group against the decision of Cheshire East Council.
 - The application Ref 22/0312N, dated 26 January 2022, was refused by notice dated 29 July 2022.
 - The development proposed is erection of entrance feature dry stone wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner above is taken from the application form. I have removed the descriptive element from the site address in the interest of brevity.
3. Following the submission of the appeal, the Cheshire East Local Plan, Site Allocations and Development Policies Document, December 2022 (SADP), has been adopted by Cheshire East Council. Policies within the SADP have replaced all saved policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011, Adopted Written Statement, February 2005. In the interest of natural justice both main parties have had the opportunity to make representation since the SADP's adoption and, therefore, in reaching my decision I have had regard to the SADP.

Main Issues

4. The main issues of the appeal are:
 - the effect of the proposed entrance wall on the character and appearance of the area; and,
 - whether the site is an appropriate location for the proposed development, having regard to the ecological mitigation area.

Reasons

Character and appearance

5. The surrounding area is characterised by wide grass verges and generally tall hedgerows, which contribute to the open and verdant character. There are several other advertisement and signage features in the locality, but these are predominantly metallic and relatively small.

6. It is not disputed that the appeal scheme could provide a highly visible entrance feature for the proposed mixed use scheme and it could enhance legibility to and from that scheme. However, the proposed dry stone wall would appear as an overly dominant and incongruous feature given its height, length and overall massing in comparison to the existing open character of the area.
7. It is acknowledged that the design of the wall, including grey stone columns, and curved orientation has been proposed to reduce the massing. Nevertheless, these measures do not mitigate the harm caused by the height, length and massing of the wall.
8. Whilst the proposed location may be the most effective, in terms of signposting the mixed use scheme, this would not overcome the harm caused by the construction of a large man made structure within the open and verdant area.
9. Although the planting of vegetation in front of the wall would soften its appearance, the vegetation would need to be relatively small in order to ensure that the signage could be read from a distance. As such, the proposed planting would not mitigate the height of the proposed wall which would rise much higher than the planting.
10. There is a wide variety of materials used in neighbouring developments. Although there are currently no other dry stone walls in the surrounding area, the construction of a wall made from locally sourced stone could provide visual interest and make a positive contribution to the area. However, the material used in the construction of the wall does not overcome the harmful effect to the character and appearance of the area caused by its overall massing. Similarly, I do not consider that a condition effectively controlling the material would overcome the harmful effect of the appeal proposal.
11. I conclude that the proposed entrance wall would have a harmful effect on the character and appearance of the area. The appeal scheme is therefore contrary to SE1 and SD2 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, July 2017 (CELPs) which indicate proposals should make a positive contribution to their surroundings and reinforce local distinctiveness.

Appropriateness of the location

12. The appeal site is located within an Ecological Network Restoration Area; however, this does not preclude all development in the area. The proposed dry stone wall would cover a relatively small footprint and would provide additional habitat for Great Crested Newts (GCNs), alongside other amphibians and species.
13. The potential harm caused to the resident population of GCNs during construction, would be mitigated through the existing measures agreed with Natural England under licence. This includes the translocation of newts and the installation of newt fencing. If I was minded to allow the appeal, the continuation of these measures throughout the construction period could be secured via condition.
14. Given the nature of the development and the pre-existing mitigation measures, I have found that the proposed development would be appropriate in an ecological mitigation area. I therefore see no reason why it would result in unacceptable development elsewhere.

15. The appeal site is an appropriate location for the proposed development, having regard to the ecological mitigation area. The appeal scheme therefore complies with CELPS policies SE3 and SE4 which indicate development would not be permitted where it adversely affects the integrity of a compensatory site; and, development should conserve or enhance natural landscape features. The appeal scheme also complies with SADP Policy ENV3 which indicates that proposals should respect the qualities of the local area.

Other Matters

16. The appeal scheme not causing any harm to the amenity of neighbouring properties or heritage assets and no concerns being raised in relation to drainage and ground conditions can only be considered as neutral factors.
17. The appeal scheme may increase the marketability of the commercial units within the mixed use scheme and therefore increase the economic benefit generated by that scheme. However, the effect would be relatively limited and it does not alter my assessment of the overall acceptability of the appeal scheme.
18. CELPS policies SE9, IN1 and IN2 have been referred to within the Officer's Delegated Report but are not considered relevant to the construction of the proposed wall; as these policies refer to energy efficient development, infrastructure delivery and developer contributions.
19. Even if advertisement consent has permitted the construction of a dry stone wall under Section 222 of the Town and Country Planning Act 1990, I have considered the proposal presented to me as part of this appeal. As such, this does not alter my assessment of the acceptability of the appeal proposal.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
21. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR