



Appeal Decision

Site visit made on 2 January 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/Q4245/W/23/3320579

299 Ashley Road, Hale Barns, Trafford WA14 3NH

- 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 Calderpeel Architects against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 109856/HHA/22, dated 13 December 2022, was refused by notice dated 21 March 2023.
 - The development proposed is described as the creation of new private way, and erection of fencing, gates and associated landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Calderpeel Architects against the decision of Trafford Metropolitan Borough Council. This application is subject to a separate decision.

Preliminary Matters and Main Issue

3. The appellant submitted the proposal as a householder planning application. However, an interested party suggests that it should not be considered on this basis as the proposal lies outside of the domestic curtilage of the appeal dwelling. Regardless of whether the land can be considered to be curtilage, it is not the purpose of this appeal to determine the lawfulness of the land. The appeal remains before me to determine. As neighbouring residents have been consulted and had opportunity to comment during the appeal process, I am satisfied that no party would be prejudiced by the determination of the appeal.
4. A temporary access track was created during the construction of a replacement dwelling at the appeal site, permitted under application reference 97561/FUL. It is understood that a condition of this permission and subsequent amendments required the track to be removed following construction. The track remains in situ and at the time of my visit it was heavily flooded and in use by parked contractors vehicles.
5. The proposal the subject of this appeal seeks to retain the access track permanently but with modifications to its appearance and extent including the provision of gates and fencing. In reaching my decision I have assessed the development as shown on the submitted plans and not as currently constructed on site.

6. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). Although the paragraph numbers have altered slightly, the revisions do not relate to anything that is fundamental to the main issue in this particular appeal. Consequently, the views of the parties have not been sought in this instance.
7. The appeal site is located within the Green Belt. The Council has not advanced any reasons for refusal associated with harm to the Green Belt, and neither party has provided any substantive evidence to suggest that the proposal would amount to inappropriate development. With regard to the evidence before me, the main issue is therefore, the effect of the development upon the character and appearance of the area.

Reasons

8. The appeal site comprises a recently constructed dwelling on the urban fringe of Hale, with residential development to the north and east and the Manchester to Chester railway line on a raised embankment to the west. It is understood that the land within the appellant's ownership to the south of the dwelling is designated as a wildlife corridor and an area for the protection of landscape character. Neither party provides evidence as to the implications of the proposal on these designations.
9. Nevertheless, it seems to me from my observations that this land, whether forming part of the domestic curtilage of the appeal dwelling or not, has a predominantly verdant appearance that is visually separate from the domestic gardens belonging to the dwellings to the north. Its undeveloped character therefore results in a visual connection to the wider bucolic countryside that extends southwards. In this regard it makes a positive contribution to the character and appearance of the area.
10. The original track serving the appeal dwelling and its neighbours at 295 and 297 Ashley Road is discretely routed from the main road around the boundaries of these dwellings, such that other than the access point, it is not overtly visible from Ashley Road.
11. However, given the width of the access point and that the proposed track would lie perpendicular to Ashley Road, its long straight nature would be readily apparent in localised views from the road. As the dwelling it would serve is tucked away to the north, the proposed route would be arbitrary, without a visual reference point. Despite the topography being flat, the proposed track would nonetheless visually dissect and disrupt the pastoral appearance of the land.
12. The track would also be visible in elevated views from the adjacent raised railway line, where again the southern-most section would appear visually detached from the dwelling it would serve. In combination with the proposed Cheshire railing fences, the proposal would result in a more artificial and manicured appearance, contrary to the naturalised and pastoral appearance of the land.
13. Its visual impact would not be satisfactorily mitigated by the proposed tree planting to the roadside boundary or its twin-wheeling appearance, given that it would remain disproportionately wide at 4.9m for a single-track route. In contrast to the established character as described above, an urbanising effect

arising from the loss of green space to hardstanding would result. Even if a dark surfacing material was selected, this would visually stand out from the lush, verdant green of the appeal site. The proposal would therefore detract from, rather than enhance the character of the area, which would be further exacerbated if cars were to continue parking on the proposed track¹.

14. The impact of a proposal on the openness of the Green Belt and the character and appearance of the area are different issues and thus, it does not follow that compliance with one, renders automatic agreement for the other.
15. For the above reasons, the proposal would result in moderate harm to the character and appearance of the area. It would therefore fail to comply with Policy L7 of the Trafford Local Plan: Core Strategy Development Plan Document (2012) which seeks amongst other things, to ensure that development is appropriate in its context and enhances the character of the area.

Other Matters

16. It has been put to me that the retention of the former construction track would help to alleviate pressure on 3 mature trees that lie in proximity to the existing track that serves the dwellings of 295-299 Ashley Road. A Veteran and Ancient Tree Report (VATR) has been provided which considers that the trees comprise ancient (T1) and veteran (T2) species of oak with T3 being a possible future veteran oak tree. It is understood that ancient and veteran trees are susceptible to disturbance and compaction, more so than mature trees in vigorous growth². T1 is said to be showing signs of vigour but T3 is said to be in the worse condition. However, the arboricultural assessment of the trees is brief, with no clear indication of their overall condition or their life expectancy, with or without the proposed development.
17. A third-party representation references tree advice from MMA Tree Consultancy and suggests that all of the trees appear healthy and vigorous with a significant safe and useful life expectancy. However, the advice from MMA is not directly before me.
18. Notwithstanding the findings of the VATR, the level of vehicular traffic to the appeal dwelling is unlikely to be significant, even accounting for its large size. As such, the removal of traffic would not be significant. The track would remain in use by the occupants of No 295 and 297. Moreover, the VATR suggests that the existing track should be removed after the entrance to No 297 to allow sufficient rooting area for T1 which would clearly be of benefit to this tree. The proposals before me do not include any provision for the partial removal of the existing track and although a gate and fence would be erected at the eastern end, it would not prevent the future use of the existing track by the occupants of the appeal dwelling. It is unlikely that the suggested benefits of reduced compaction to the trees would be realised as a result. This matter thus carries limited weight.
19. Reference is made to an appeal decision for a development considered comparable in a nearby authority area³. In that decision the impact of the proposed track on the openness of the Green Belt was a matter in dispute

¹ As observed during my visit and in the photographs provided by interested parties in their statement dated 19th January 2023.

² Consultation response of the Council's Arboriculturist dated 1 February 2023.

³ APP/R0660/W/15/3003735.

which is not the case here. It was found that the proposed twin wheeling track in that instance would not cause harm to landscape character. Whilst consistency in decision making is important, nonetheless there is nothing in the referenced decision to suggest that the circumstances of the site are comparable to the verdant and pastoral context before me. I also note that the amended scheme resulted in an access track that was 3m wide, considerably less than the proposal before me. I have considered the proposal on its own merits and for the reasons given, found it would be harmful in relation to the specific context of the appeal site.

20. The planning statement submitted with the planning application indicates that the proposal is required to enhance security across the site. Whilst confidential details of the suggested security need were provided to the Council, they have not been put to me. It is therefore unclear how the retention of the former construction track as a private driveway would enhance the security of the site. This matter would not provide a benefit in favour of the proposal.
21. Suggestion is made that the proposal would lessen the frequency of obstruction on the existing track that requires difficult manoeuvring when vehicles from neighbouring dwellings are encountered. Whilst the track is largely single width in form, the open nature of the site generally enables oncoming traffic to be readily seen. Some reversing may need to occur on occasion but given the low speeds and low level of usage from a small number of dwellings, it is unlikely to be a particularly difficult, time consuming or unsafe manoeuvre to make, such that I could attach weight to this benefit.
22. Interested parties have raised concerns about the impact of the proposed development on the living conditions of neighbouring occupiers specifically outlook, flood risk and highway safety. As I am dismissing the appeal in relation to the main issue, I have not considered these matters further.
23. The conduct of the Council during the determination of the planning application whilst of concern to the appellant, is nonetheless a matter for the parties. There is no specific requirement for the Council to specify the particular part of a policy a proposal is considered to contravene within a decision notice, so long as the relevant policy is clearly set out. The general reference to Policy L7 does not imply that other issues have been unfairly introduced but rather, that failure to comply with criterion L7.1 results in a failure to comply with Policy L7 overall.

Planning Balance and Conclusion

24. The proposal would result in moderate harm to the character and appearance of the area. This conflict with the development plan would not be outweighed by the limited benefit to nearby trees of removing vehicles from the existing track. There are no material considerations that lead me to find otherwise than in accordance with the development plan. The appeal is dismissed accordingly.

M Clowes

INSPECTOR