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## Appeal Decision

Site visit made on 26 March 2024

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 April 2024**

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**Appeal Ref: APP/R0660/W/23/3332775**

**57 Wood Street, Mow Cop, Stoke-on-Trent ST7 3PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Smith against the decision of Cheshire East Council.
  - The application Ref 23/1105C, dated 20 March 2023, was refused by notice dated 11 May 2023.
  - The development proposed is outline application for the erection of 2 dwellings.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposal on highway safety.

### Reasons

3. The appeal site is a parcel of land on the north side of Wood Street. The outline application was to determine access only at this stage, which would be the entrance to the overall site, adjacent 45 Wood Street.
4. Policies INF3 and HOU10 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (the SADPD) expect development, amongst other matters, to provide safe access to and from the site and not have an unacceptable impact on highway safety.
5. The Council have not raised objection in respect of the principle of development on the site, but rather the standard of access in terms of visibility to serve the site. I have evidence in front of me with regard to the requirements of the access onto Wood Street in terms of the advice given in Manual for Streets 1.
6. The appellant has countered this argument, commenting with regard to the need for access visibility for a private access, as well as the fallback position for the site from an existing commercial business.
7. The position if this were to be allowed would see the number of dwellings using the access increase from one to three. There are indicative plans included with the submission, but these are not to be taken into consideration at this stage. However, it does give a steer as to the size of the dwellings, and it is possible to interpret this to give an indication of the possible residential vehicle provision from the potential two additional dwellings.

8. Just because an access is private (ie serves less than five dwellings) does not exempt it from the provision of a safe access that protects both vehicles and pedestrians. To shy away from this requirement is somewhat foolhardy.
9. I understand from the evidence provided by the Council that the coal merchants use is no longer active, and if it were to reactivate, the scale of such a use is unlikely to generate the same vehicle movements as an additional two dwellings. I concur with the position of the Council on this matter and assign minimal weight to the fallback position.
10. I understand the frustration of the appellant at existing driveways with limited visibilities, but this proposal should be assessed on the basis of current needs and not historic access requirements.
11. As such, I find the access inadequate, in terms of its visibility, to serve a development of this nature, and therefore I find conflict with Policy INF3 of the SADPD.

### **Conclusion**

12. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*Paul Cooper*

INSPECTOR