



Appeal Decision

Site visit made on 6 March 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 24.04.2024

Appeal Ref: APP/R0660/D/23/3331356

The Grange, Chester Road, Tabley WA16 0HF

- 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 S Meredith against the decision of Cheshire East Council.
 - The application Ref: 23/1209M dated 27 March 2023 was refused by notice dated 14 September 2023.
 - The application is for an exit directly to the main road from the property, driveway and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for an exit directly to the main road from the property, driveway and associated works in accordance with planning application reference 23/1209M dated 27 March 2023 subject to the conditions as set out in the Schedule below.

Preliminary Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.

Main Issues

3. The main issue is the effect of the proposal upon the character and appearance of the area with particular reference to the Local Landscape Designation.

Reasons

4. The appeal site is concerned with an area of private garden that fronts onto the main A556 dual carriageway that runs past The Grange. The Grange is a five bay two storey house of light render that appears to be of some age. It is not listed but, according to the parties, the property was historically related to the nearby Tabley Hall Estate which is a protected park and garden. It sits within a small hamlet of other houses and buildings that abut or are slightly set back from the main road.
5. The site itself is within the designated Green Belt and is also located just within the Local Landscape Designation (LLP) of the 'Arley, Tabley and Morley

- Estatelands¹. The character of the landscape is, according to the LLP, determined by its strong rural character, sweeping vistas and clumps of parkland trees, perimeter tree belts and some ancient woodland. The area is particularly significant due to the concentration of several historic estates and grand, historic residences nearby.
6. The appeal site itself is located alongside the main road between Tabley interchange and Northwich. This road is the A556 and is a very busy highway whereupon traffic moves at a fast pace. The speed limit upon the road is of National Speed limit for a such a road at 60mph. The highway itself is therefore a large and noisy piece of infrastructure that has the character of a main four lane road bounded by low hedges and occasional trees and woodland copses.
 7. In passing the appeal site, the boundary to much of the road in the immediate vicinity is one of a later enclosure type landscape with regular trees standing along a hedge line. Where the highway passes the appeal property, the appearance subtly changes to one of a more domestic or wooded nature where more mature trees and scrub are interspersed with Rhododendron plants. The Grange itself is set back within the plot with other houses adjacent being more noticeable from the highway. Ultimately, I consider that the perception of this place is one of a small roadside hamlet complete with buildings, structures and driveways of various types, designs and ages.
 8. The current access to the property, along with other ancillary type buildings to the rear, is currently from a single driveway directly off the main A556. The location of this driveway is slightly beyond a small rise in the lay of the land. The fluctuation in the topography here makes it somewhat difficult to be fully confident that no vehicles are approaching when exiting the site onto the main road. The proposal therefore seeks permission to create a second accessway onto the highway further along the road so as to create a new egress from the site. The main justification for this is to enable a safer access onto the main road for the Appellant's children who are learner drivers.
 9. The site is located within the designated Green Belt. The fundamental aim of the which is to prevent urban sprawl by keeping land permanently open. The Framework therefore outlines the five purposes that the Green Belt serves which include; checking unrestricted sprawl of large built up areas, preventing neighbouring towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
 10. The Framework advises that engineering operations are not inappropriate development in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it. Policy PG3 of the Cheshire East Local Plan (CELP) reflects this advice. In assessing this proposal, I am aware that it is common ground between the parties that there would be no harm to the openness of the Green Belt and I concur.
 11. Since the proposal would not harm openness and would not conflict with the purposes of including land in the Green Belt I consider that the development proposed would not be inappropriate development within the Green Belt.

¹ Cheshire East Local Landscape Designation Review 2018.

12. In assessing this appeal, I consider that there would be some minor impact to the character of the area through the removal of a small area of hedge and post fencing so as to create the new vehicular access point. However, the Appellant has confirmed that no trees would be felled as part of this appeal and I have evidence before me as to the means by which this will be accomplished through careful works and arboricultural best practice. Moreover, although a new physical entrance would be created, it would curve into the site in such a way as to not leave any noticeable gap in the landscaped frontage when seen from the road.
13. In assessing the impact upon the Local Landscape Designation therefore, I find that, with this site being located on the very periphery of this designation alongside the main A556 that it does not really reflect the uniqueness and special character that contribute to the vast majority of this landscape designation. Neither does it contribute much to the openness of the countryside in general. Although the landscape is clearly of some quality farther away from the road, the actual contribution that the existing boundary treatment alongside the A556 make to this designation is therefore very limited.
14. As such, although I find some potential for impact I do not consider that this would be so harmful to lead me to conclude dismissing this appeal. Moreover, despite the opinion of the Council's Highways consultee that the existing access and egress to the site is safe, I saw on my site visit the difficulty one has in having full confidence that no vehicles are approaching along the road when exiting the site from its current access. The slight dip and rise in the highway does indeed restrict visibility for a crucial amount of time and, when sat in a lower vehicle, this lack of visibility is all the more acute. It is also noticeably worse from within a vehicle than when inspecting this issue from a standing position.
15. In conclusion I consider that there are tangible benefits in this proposal through making this access safer that do outweigh the minor physical impact caused by installation of the vehicular access that I consider would be effectively mitigated by the landscape proposals contained within the Arboricultural report. As such, I consider that the Policy requirements of policies PG3, SE1 and SD2 of the Cheshire East Local Plan as well as Policy ENV3 of the Site Allocations and Development Policies Document (SADPD) have been met as have the overriding policy requirements contained within the Framework itself.

Conditions

16. I have added the list of conditions as suggested by the Council in their Questionnaire. These include the standard conditions that are appropriate for controlling the detail and design of such a scheme as well as a condition regarding the potential installation of any gate, bollard or other obstruction to be sited at least 5 metres from the edge of the highway in the interests of protecting the landscape character of the site. I have also added a condition from the Council's Arboricultural Officer with regards tree protection measures that would be necessary to protect the existing trees.

Conclusion

17. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions as set out in the schedule below.

A Graham

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Block Plan, 004, visibility splay, Plan of Tree Constraints dated 06/02/2023, Tree Protection Plan dated 31/05/2023, Method Statement for Installation of Cellweb Tree Root Protection System (as submitted) and Arboricultural Impact Assessment dated 1st February 2023.
3. Any gate, bollard, chain or other means of obstruction across the approved access shall be positioned at least 5 metres from the edge of the highway and shall be constructed to open into the site only.
4. No development or other operations shall take place except in complete accordance with the tree protection and special construction measures identified in the Arboricultural Impact Assessment (TB-AIA-300523) dated 1ST February 2023 and the Tree Protection Plan dated 31st May 2023, with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.

End Of Schedule