



Appeal Decision

Site visit made on 21 May 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/R0660/D/24/3337497

Chorley Old Hall, Chorley Hall Close, Alderley Edge, Cheshire East SK9 7TG

- 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 and Mrs Johnson against the decision of Cheshire East Borough Council.
 - The application Ref is 23/4061M.
 - The development proposed is a fence.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issues

3. At the time of my site visit the fence had already been erected as per the submitted plans. I have dealt with the appeal as seeking retrospective planning permission.
4. The main issues are a) whether or not the fence is inappropriate development in the Green Belt; its effect on b) the openness of the Green Belt; and c) the character and appearance of the area with specific regard to the significance and setting of a listed building; and d) if the fence is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether Inappropriate Development

5. The National Planning Policy Framework (2023) (the Framework) establishes that new buildings and certain other forms of development in the Green Belt are inappropriate except in certain circumstances, which are listed in paragraphs 154 and 155. Policy PG3 of the Cheshire East Local Plan Strategy (2017) (CELPs) is consistent with the Framework in that it seeks to protect the Green Belt and lists the same exceptions.
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6. The term 'building' includes any structure or erection; therefore, a fence can reasonably be considered a 'building' for the purposes of the Framework. The fence does not fall within any of the exceptions in paragraphs 154 or 155 and is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its size may be relevant.
8. Part of the fence is of a lightweight metal mesh design and is dark green. This ensures that it is not overly obtrusive, views through it are not significantly impeded, and it blends in with the planting along its line. However, a significant section is in timber and its starkness is prominent in places where the hedges and trees are sparse, whilst it is also enclosing and prevents views of the site from Green Lane.
9. The presence of the fencing as a structure and method of enclosure of some substance and length has had an unavoidably reducing effect on the spatial aspect of the Green Belt's openness. The adverse effect on the visual aspect of its openness is heightened where the structure is more solid. Whilst the backdrop of hedging and trees, and the lightweight nature of the mesh sections reduce these to some degree, one of the fundamental aims of Green Belt policy is to keep land permanently open and the nature of the appeal scheme is such that it would run contrary to this aim. This harm to the Green Belt's openness would be in addition to that caused by its inappropriateness.

Character and Appearance

10. The land surrounding the fence as a whole is noticeably wooded and thus verdant. As is the lane. The use of a mesh allows some permeability and natural timber reflects the treed surroundings. It appears obvious in places but in many respects the structure is in amongst the vegetative cover. In terms of the building, Chorley Old Hall was constructed circa 1330 as a sub-manor house and has been extended and modified several times over the years. Its historic interest and many architectural details of numerous periods contribute positively to its significance. As does its moat and noticeably wooded surroundings with organic gaps and a distinct lack of a high degree of enclosure. There is some historical evidence alluding to a more traditional post fence with open mesh.
11. Glimpses of Chorley Old Hall were possible through gaps in the hedging and trees along Green Lane which have been filled with the new contemporary solid timber and metal mesh structure of some considerable height and run. The fence has substantially reduced the ability for the public appreciation of the building and introduced an overly modern and suburban feature which jars with the more period feel of the house and its wider grounds.
12. These factors have caused localised harm to the setting of the building and thus its significance in the context of harm to the character and appearance of the area. For the Framework, this harm is less than substantial. Nevertheless, it is a matter of considerable weight and importance. In such circumstances,

the Framework provides that the harm should be weighed against the public benefits of the proposal.

13. While the fence provides greater security for the grounds of the appeal site, no substantive evidence has been provided detailing the frequency or total occurrence of trespassing that have happened and/or been reported to the police both before and after its installation. As such the reduction in public resources required to protect the appellant's property or to follow up criminal or anti-social activity is unknown. For this reason, and the fact that the benefit would arguably a more private one, I afford it limited weight.
14. Even if more plants are provided to screen the fence, it is not guaranteed that this will result in a permanent screen, for example during the winter months when plants shed their leaves, or if the plants are cut down or removed for any reason. Furthermore, there are no planning controls over planting in areas outside of the red line boundary. This would add to the biodiversity of the area but on a limited and local level. This matter therefore attracts limited weight.
15. It is therefore sufficiently clear that the harms I have found would not be outweighed. The fence therefore fails to comply with CELPS Policies SD1, SD2, SE1, SE4 and SE7, Policies HER1 and HER4 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) and Policy AE12 of the Alderley Edge Neighbourhood Development Plan 2021-2030. These policies all seek, amongst other things, for development to be well designed, to contribute positively to an area's character, and to reinforce local distinctiveness. They also seek to ensure development conserves or enhances the historic environment, the significance of heritage assets, and the setting of a listed building. The fence also conflicts with the design aims and chapter 16 of the Framework, which seeks to conserve and enhance the historic environment.

Other Considerations

16. For Green Belt purposes, I attach moderate weight to the increased security benefits of the fence. While such may be able to be installed at other properties along Green Lane without requiring express planning permission, the same cannot be said of the appeal site due to the scheme's height, location and being associated with the grounds of a listed building.
17. A recent appeal in Gawsworth for an extension and alterations to a Grade I listed building (APP/R0660/W/23/3321078) was allowed as it was considered that the benefits of bringing a vacant building back into use outweighed the harms identified. The appeal before me differs from this as Chorley Old Hall is currently in use as a residential property, and as such there are no benefits from bringing a building back into use. The Gawsworth appeal is therefore not directly comparable to the appeal before me and does not justify the fence. Furthermore, it has not been suggested that Chorley Old Hall would no longer be able to function as a residential property without the fence.

Conclusion and Recommendation

18. The fence causes harm to the Green Belt by way of inappropriateness and reduction in openness. There is also harm to the character and appearance of the area and the setting and significance of a listed building. These harms would result in conflict with the development plan. I afford these matters substantial weight.

19. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly (my emphasis) outweighed by other considerations. The other considerations identified above, which are afforded moderate weight when taken together, do not clearly outweigh the totality of the harms. Consequently, the very special circumstances necessary to justify the development do not exist.
20. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison

INSPECTOR