



Appeal Decision

Site visit made on 6 June 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/A0665/W/23/3336129

**Racecourse Farm, Rode Street, Tarporley, Cheshire West and Chester
CW6 0EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Lynda Briody against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/01594/FUL.
 - The development proposed is Demolition of the existing garage. Development of agricultural/equestrian paddock into 6no. proposed glamping pods and 1no. proposed small meeting room with associated landscaping works and 8no. parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: -
 - highway safety; and
 - protected species, in particular bats.

Reasons

Highway Safety

3. The appeal site is accessed from Rode Street (A51), it is a busy road with a 50 mph speed limit. The existing access to Racecourse Farm would be utilised for the proposed development. The appeal site excludes the dwelling at Racecourse Farm but includes a detached garage and extends northwards to include an area of open land. At the entrance there is a high brick curved wall.
 4. Visibility from the current access is obscured by the wall, trees and the curves in the road. The Council's Highways Team require the access to be widened to improve visibility splays and allow two way traffic to enter and leave the site. The submitted plans indicate that visibility splays of 70 metres could be achieved to the west and 32.8 metres to the east. The Council state that visibility splays of 160 metres are required.
 5. No technical information has been submitted to support the proposal in terms of highway safety. I also have no evidence as to what 160 metres is based upon and whether or not the lesser splays submitted would be safe or not. There is little evidence that safe distances are achievable given the geometry of the road, the trees and land outside the applicant's ownership or control.
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6. From my observations, the A51 is fairly heavily trafficked and vehicles travel along it at speed. I was unable to assess whether traffic exceeded or was less than the 50 mph speed limit. It was clear to me that the existing visibility from the site is poor although I accept that this could be improved by re-aligning the wall. I was not able to assess whether this would be enough to ensure highway safety.
7. The proposal is for 6 glamping pods and so visitors to the site are unlikely to be familiar with the access or traffic speeds. Given the highway risks involved and the lack of convincing evidence, the proposal would harm highway safety. This would conflict with Local Plan (Part One)¹ Policy STRAT 10 and Local Plan (Part Two)² Policy T5 which, amongst other things, require appropriate and satisfactory access provision to accommodate development proposals. The proposal would also be inconsistent with the National Planning Policy Framework (the Framework) in terms of not providing a safe and suitable access for all road users³.

Bats

8. A Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA/PRA) has been carried out and submitted with the appeal. The survey states that bats are unlikely to be roosting within the trees due to the lack of roosting features. Felling those shown is unlikely to impact on roosting bats. The existing garage is considered to have low value for roosting bats but demolition would remove features such as gaps under the mortar on the gable ends for crevice dwelling bats and destroy the roosts, if present. Additional surveys are therefore required during the active bat season – May to September. These would confirm the presence or absence of bat roosts in the building. If bat roosts are confirmed, additional surveys would be required.
9. The appellant states that had the Council provided time to submit additional surveys, this would have been done. Circular 06/2005⁴, paragraph 99 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Although, I accept that the PEA/PRA found the garage to have low value, it also recommended additional surveys. Therefore, as no further surveys have been submitted and given the advice in the Circular, it would not be appropriate to impose a condition requiring them. The lack of information counts against the proposal.
10. Consequently, the effect of the proposal could have a harmful effect on protected species, in particular bats. This would conflict with Local Plan (Part One) Policy ENV 4 and Local Plan (Part Two) Policy DM 44 which seek to safeguard and enhance biodiversity and the natural environment. This is also reflected in Chapter 15 of the Framework.

¹ Cheshire West & Chester Council Local Plan (Part One) Strategic Policies, adopted 29 January 2015.

² Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, adopted 18 July 2019.

³ Paragraph 114.

⁴ ODPM Circular 06/2005 / Defra Circular 01/2005 - Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system – 16 August 2005.

Other Matters

11. I note reference to other proposals with comparable access issues. However, I do not have sufficient information before me to draw any conclusive similarities. I also note reference to the Caravan Act and the number of caravans/camping units that could be located on the appeal site without the need for planning permission. However, I have limited details as to the likelihood of this occurring nor is there any evidence as to the appropriate licence being sought. These matters therefore carry little weight.
12. The proposal would have economic benefits in terms of the provision of facilities for the tourist industry. The issues of highway safety and bats remain areas of concern and in both cases, information is lacking. I appreciate that the appellant has tried to engage with the Council on these matters but was unsuccessful. Nevertheless, I must assess the appeal on the basis of the evidence before me. The harms caused therefore do not overcome the benefits.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

J D Clark

INSPECTOR