



Appeal Decision

Site visit made on 29 July 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/AO665/D/24/3344347

The Paddock, Wervin Road, Wervin, Chester CH2 4BP

- 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 Mr Ryan Parry against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00027/FUL.
 - The development is described as the construction of front boundary walls with timber gate access into the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The front boundary walls have already been constructed. It is proposed to install timber gates and to reduce the height of the walls and piers. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me.
3. As set out in the officer report and the Council's appeal questionnaire, the appeal site is situated within the Green Belt. The matter of whether the development would be inappropriate development within the Green Belt has not been raised by the Council in its officer report and there is no reference to the Green Belt in the reasons for refusal. My determination of the appeal must be made having regard to the provisions of the National Planning Policy Framework in relation to the Green Belt. Both parties have therefore been given the opportunity to comment on whether there are any implications, and if so what, as a result of its siting in the Green Belt. Neither party considered that there were any implications for the appeal. I have had regard to the position of both parties in making my decision and in doing so I am satisfied that no party has been prejudiced by my consideration of this issue.

Main Issues

4. The main issues are
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);

- The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
- Whether any harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. The front boundary walls and timber gates are sited within the Green Belt. Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate development unless it falls within one of the listed exceptions. The Town and Country Planning Act at section 336(1) of the Act refers to buildings as including 'any structure or erection'.
6. In this case, the boundary walls would be attached to the ground and intended to be a permanent fixture. They would extend for a considerable length and height and would not therefore be considered to be of a small scale. Further the structure by reason of its solidity has a significant physical presence. Therefore, I conclude because of its size, physical presence and degree of permanence, a building operation would occur.
7. The boundary walls and timber gates would therefore a building which do not fall within any of the listed exceptions within paragraph 154 of the Framework. I therefore conclude that they would be inappropriate development within the Green Belt.

Openness

8. The essential characteristics of the Green Belt are their openness and permanence. The boundary walls and timber gates would be a substantial structure which extends for a considerable length along a raised corner plot off Wervin Road. By reason of its height and solidity the walls would have a significantly enclosing effect, thus reducing the openness of the Green Belt. There is also a visual aspect to openness and in this case due to the prominence of the wall and timber gates the visual intrusion would further harm openness in the Green Belt. However, overall given the scale of the proposal, the harm to openness would be limited.

Character and Appearance

9. The appeal property is a large, detached property in the course of being renovated, sited within a cluster of dwellings located at the junction of Wervin Road and Ashwood Lane in a predominantly rural and verdant landscape. The area is predominantly characterised by low walls, hedgerows and open timber fences and gates, all of which make a positive contribution to the rural surrounds. Due to its elevated position, the appeal property is extremely visible from the road when approaching from the north and the east.
10. Due to their design and height, the front boundary walls would be prominent features which would have a harmful visual impact on the immediate character and appearance of the area. Further, they would create an enclosing effect unsympathetic to the open rural character of the area. Notwithstanding the proposal to reduce the height of part of the wall and the piers as constructed,

the overall impact and scale of the development would result in a development at odds with the prevailing character and appearance of the immediate area. This would be further exacerbated by the proposed introduction of large timber gates which would draw the eye as a discordant feature and would be a stark contrast with the surrounding boundary hedgerows.

11. I appreciate that the design of the walls is such to reflect the elevated position of the site taking into account the height of the surrounding hedgerows. Nonetheless, due to its height and scale, the development as now proposed would be highly visible on this part of Wervin Road. It would fail to integrate with its surroundings and would detract from the natural character found in this location.
12. The appellant has referred me to examples of other high masonry brick solid entrance boundary walls within the area. I accept that these have in some instances created an enclosing effect. However, these walls and entrances are located closer to the road where there is a greater built form. Further, they are not read in conjunction with the open rural landscape found on the part of Wervin Road where the appeal property is located.
13. My attention has been drawn to a property sited opposite to the appeal property which is enclosed by a boundary wall with a similar curvature to its main entrance as to that proposed for the appeal dwelling. However, this wall and curvature entrance are significantly lower in height to that to be found at the appeal property such that the open aspect which is characteristic of the area is retained. Accordingly, none of the developments that have been drawn to my attention represent direct parallels with the scheme now proposed and I give them limited weight in my assessment of the appeal. In any event the existence of such developments does not justify development which would otherwise be harmful.
14. Therefore, the development would cause unacceptable harm to the character and appearance of the area. It would also erode and harm openness. The development would therefore conflict with Policies ENV6 and DM21 of the Cheshire West and Chester Local Plan Parts One and Two. Together these policies require development to respect local character, and to be in keeping with the character and appearance of the wider setting. The Council has also referred to Policy DM3 within its reasons for refusal but this relates to new agricultural buildings and I have not consider it further. The proposal would also conflict with guidance contained in the Council's Supplementary Planning Document; House Extensions and Domestic Outbuildings (SPG) which provides for boundary treatments to have regard to the prevailing characteristics of boundary treatments in the area. It would also conflict with guidance in the National Planning Policy Framework which requires development to respect local character.

Green Belt Balance

15. I have found that the development would be inappropriate development within the Green Belt which is by definition harmful to the Green Belt. As such the Framework indicates that this harm should be given substantial weight. Added to this is the harm to the character and appearance of the area.
16. The other considerations taken together do not clearly outweigh the totality of the harm occurring. Very special circumstances do not exist to justify the

development. The development does not therefore comply with the provisions of the Framework in relation to the Green Belt.

Conclusion

17. For the reasons given I hereby dismiss the appeal.

K Winnard

INSPECTOR