



Appeal Decision

Site visit made on 10 December 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/R0660/D/24/3343254

Tarken, Hall Lane, Mobberley WA16 7AE

- 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 Claire and Martin Chown against the decision of Cheshire East Council.
 - The application reference is 23/3224M.
 - The development proposed is the erection of an outbuilding and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding and associated works at Tarken, Mobberley WA16 7AE in accordance with the terms of the application, reference 23/3224M, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - Proposed Oak Store site plan (drawing P15.3 Rev No. 3, January 9, 2024)
 - Proposed Oak Store Floor Plan (drawing P15.3 Rev No. 3, January 9, 2024)
 - Proposed Oak Store Elevations (drawing P16.3 Rev No 3, January 9, 2024)
 - 3) The materials to be used shall be those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) The development shall be carried out in strict accordance with the "mitigating proposals" and "method statement" within the Arboricultural Report prepared by Murray Tree Consultancy, dated April 2024.

Preliminary Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version. The provisions most relevant to this appeal were not altered significantly. As a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

3. Although the appeal site is within the Green Belt, the Council considered that the scheme would not be inappropriate development, having regard to the provisions of the development plan and the Framework. On the basis of all the evidence before me as well as my observations on my site visit, I agree. There is therefore no need for me to consider whether the development is justified by very special circumstances in respect of its Green Belt location.

Main Issues

4. The main issues are the effect of the proposal on:
- The character and appearance of the Mobberley Conservation Area (“the MCA”); and
 - A protected lime tree.

Reasons

Character and appearance

5. The appeal site lies within the MCA, and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
6. Mobberley is a dispersed settlement; it has clusters of development focused on three historic centres, with substantial ribbons of 20th century development especially along Hall Lane and Faulkner’s Lane. The 2006 MCA Appraisal describes the area as being notable for its strong rural character, derived from low-density development in which open fields are apparent and buildings often hidden by trees, and narrow and winding roads, with soft edges formed by grass verges and hedges. Based on all the evidence before me, I consider that the significance of the MCA, insofar as it relates to this appeal, is derived from this rural character.
7. “Tarken” is a detached dwellinghouse on the south side of Hall Lane, set apart from the ribbon of housing along much of that road. The edges of this part of Hall Lane are marked by dense hedgerows and trees, a mix of evergreen and deciduous types, sometimes behind timber fences of varying heights and styles, with occasional gaps through which fields or buildings can be seen. It reflects the character of the wider conservation area, as described in the MCA Appraisal.
8. The proposed development is the erection of a detached outbuilding. It would have a footprint of around 5m by 2.8m, and be around 2.9m tall, of timber frame with oak-clad walls above a shallow brick plinth, with a double-pitched slate roof. The outbuilding would be sited in the north-east corner of the front garden, between the dwellinghouse and the highway, close to the hedgerow boundary with Hall Lane and the fence separating the front garden of Tarken from a paddock associated with “Woodlands”, the next property along Hall Lane to the south-east.

9. It is not a prevalent feature of the MCA for outbuildings to be sited in front of buildings, but neither is it entirely unheard of. My attention was drawn, for example, to several dwellinghouses on the eastern part of Hall Lane which have detached garages in their front gardens, while "Woodlands" has a stable block close to the front boundary. While this last example has a different function from the outbuilding proposed here, this is not obvious from the public highway; while some very slight glimpses of the stable were possible through the boundary hedgerow at the time of my visit, it did not stand out as a disruptive or intrusive influence in the streetscene. The proposed outbuilding would be smaller in area and height than these other examples, and while it would be domestic in appearance this would not in itself make it incongruous in a location where dwellinghouses are a common feature, albeit within the rural or semi-rural setting.
10. While the Council described Tarken as being in a "prominent position in a bend on a main route through Mobberley", I saw that the considerable amounts of screening which the hedgerow and tree borders provide mean that, in views along Hall Lane in either direction, the proposed outbuilding would barely be noticeable. Its position towards a corner of the plot would mean that it would not intrude into the principal view of Tarken immediately from in front of its entrance driveway. I accept that the presence of any individual tree or hedgerow plant cannot be guaranteed in perpetuity, but the combined modest scale of the proposed outbuilding, its suitable form and materials, and the extent of "hedgerow failure" which would be required for it to become so visible as to become a prominent feature of the locality, mean that the development would not be harmful to the character or appearance of the area.
11. Taking all of this together, I am satisfied that the character and appearance of the MCA would be preserved. The proposal would therefore comply with Policies SD2, SE1 and SE7 of the 2016 Cheshire East Local Plan Strategy ("the CELPS"), and Policies GEN1, HOU11 and HER3 of the 2022 Cheshire East Site Allocations and Development Policies Document ("the SADPD"). Together, and among other things, these policies seek to ensure that development, including domestic extensions or alterations, is well-designed, protects and enhances the quality, distinctiveness and character of settlements, and that heritage assets including Conservation Areas are protected and enhanced.
12. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of heritage assets, it is not necessary to apply the public benefit test set out in paragraph 215 of the Framework.

Lime tree

13. The proposed outbuilding would be erected close to, and partly within the root protection area ("RPA"), of a lime tree which stands outside the site boundary within land associated with Woodlands. The planning application was accompanied by an out-of-date arboricultural report prepared for an earlier scheme, and the Council therefore expressed concern that there was insufficient detail before it so that it could be satisfied that the development would not be detrimental to the health of that tree.
14. A revised arboricultural report, relating to this scheme, was submitted during the appeal. This proposed the use of mini screw piles and a concrete raft foundation for the outbuilding, with no significant excavation inside the RPA of

the lime tree. Compliance with the methods proposed in that report can be secured by a condition, and would protect the roots of the lime tree.

15. Subject to the use of such a condition, I am satisfied that the proposed development would not be likely to have a significant adverse impact on the protected lime tree. It would therefore comply with Policy SE5 of the CELPS and Policy ENV6¹ of the SADPD which together, and among other things, seek to ensure the continued health and life expectancy of trees which provide a significant contribution to the surrounding area.

Other Matters

16. In 2019, an appeal relating to an outbuilding in a similar location within the front garden of Tarken was dismissed (PINS Ref: APP/R0660/D/19/3231232). The Inspector in that case concluded that the height and mass of the proposed outbuilding, combined with its position close to the front boundary with Hall Lane, would be at odds with the general pattern of development in that part of the MCA, and that this would not be mitigated by hedgerows (whether retained or newly-planted). It is clear from the submitted evidence that the previous proposal was for a much larger building; it would have been 4.5m high to the roof ridge and, while I have not been provided with details of all other measurements it would have had (as summarised in the 2019 decision) "a width spanning approximately two-thirds of the front boundary" of the site. I have no reason whatsoever to disagree with my colleague's decision, but the differences of size and scale are such that the previous scheme would clearly have had a markedly greater impact on the area. The circumstances are therefore such that my reaching a different conclusion is justified.

Conditions

17. I have considered the conditions suggested by the Council and the appellants having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the ordering or wording of conditions in the interests of clarity and effectiveness. As well as the standard time limit condition (1) I have specified the approved plan to provide certainty (2). A condition relating to materials (3) is necessary to protect the character and appearance of the area as, for the reasons I have set out in addressing the second main issue is a condition to protect the nearby lime tree.

Conclusion

18. The proposed development would not harm the character and appearance of the area or protected trees, and the significance of the MCA would be preserved. The proposal complies with the development plan read as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector

¹ The Council's decision notice referred on this matter to conflict with Policy ENV5 of the SAPD; it is clear from the officer report that this was a typographical error and it should in fact have referred to ENV6.