



Appeal Decision

Site visit made on 1 April 2025

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/A0665/D/25/3359795

1 Ringway, Waverton, Chester CH3 7NN

- 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 Denise Johansson against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02342/FUL.
 - The development proposed is described as “Fencing to part of the garden walling”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development subject to this appeal has already taken place and I was able to see it on my site visit. I am satisfied that the development applied for is the same as that which has been carried out and my decision proceeds on that basis.

Main Issues

3. 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) and relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the established character and appearance of the area, and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site is within the North Cheshire Green Belt. Policy STRAT9 of the Cheshire West and Chester Council Local Plan Part 1, Strategic Policies (the Part 1 Plan) requires that in settlements within the Green Belt, such as this site, additional restrictions will apply to development in line with the Framework.

5. The Framework makes clear that development in the Green Belt is inappropriate unless a listed exception applies. The appeal development does not fall within any of those exceptions and is therefore inappropriate development in the Green Belt.

Openness

6. Although the site is within a built-up area, the particular site and its immediate surroundings do have a degree of visual openness. Notably, the opposite side of the Ringway and Guy Lane junction has a property with a similar relationship to the junction, but which has retained its open frontage. The height of the fencing, combined with its location on the corner, particularly in light of the more open opposite corner, the established, prevalent and persistent open-fronted nature of the area and Ringway in particular, leads me to find that the appeal development harms the visual and spatial openness of the Green Belt.

Character and appearance

7. The surroundings of the appeal site are characterised by open-fronted housing, and where hard-boundaries exist, they are generally low in height, in the same way as the existing, retained wall at the site. Where there are taller fences or walls, they are typically to the side of properties, or they run along roads rather than around corners.
8. The open-fronted character and appearance of the appeal site and surroundings, which has been harmed by the appeal development is made more obvious by the corner location of the site. This gives views of the site from wider angles and longer distances, and the established character and appearance of the area gives the expectation of an open view at corner locations, which the appeal development interrupts.
9. The appellant has referred to a number of other, somewhat similar fences and means of enclosure in the area. Having had regard to their evidence, as well as my own impression of many of these seen on my site visit, they do not alter my conclusions on the effect of the appeal development on the character and appearance of the area.
10. To my mind, those other similar means of enclosure, including the appeal development are notable for, and made more prominent by, their contrast to the well-established, and clearly largely retained and persistent open-fronted character to properties on the Ringway, and to a lesser extent, Greenfield Crescent, Millway and Guy Lane.
11. I accept that there are in some places tall fences or means of enclosure close to road, but these are in a different context, on different sites, where there are particular characteristics and ultimately, effects. They do not therefore change my conclusion on the appeal proposal.
12. I also accept that there are, at the appeal site and elsewhere in the surrounding area, some tall and dense hedges along boundaries. However, given their obviously more natural, softer and less regimented appearance in comparison to a tall fence behind a wall, I do not consider that these have the same effect on the character or appearance of the area as the appeal development.

13. Taking the above together, I find that the appeal development is, owing to its height and position, dominant and discordant, is incongruous and does therefore harm the established character and appearance of the area, contrary to Policy ENV6 of the Part 1 Plan and Policies DM3 and DM21 of the Local Plan Part 2, Land Allocations and Detailed Policies.

Whether very special circumstances

14. The appellant has set out their personal circumstances and explanation for the appeal development, including the orientation of the dwelling within the plot, its relationship to the roads and the ways in which the outdoor spaces are used. Whilst I acknowledge these other considerations, I do not find that the harm by reason of inappropriateness and harm to the character and appearance of the area would be clearly outweighed by these other considerations so as to amount to the very special circumstances required to justify the appeal development.
15. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. I have found that the appeal development represents inappropriate development in the Green Belt, causes harm to openness and harm to the established character and appearance of the area. In this, it conflicts with the development plan and national policy in the Framework. As there are no material considerations to indicate a decision be taken other than in accordance with the development plan, the appeal should therefore be dismissed.

S Dean

INSPECTOR