



Appeal Decision

Site visit made on 20 January 2026

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/A0665/W/25/3375463

Land south of Cygnet Close, Great Sutton, Ellesmere Port CH66 3TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Craig Thomas against the decision of Cheshire West & Chester Council.
 - The application Ref is 24/02118/OUT.
 - The development proposed is described as “outline application for the erection of a single storey dwelling, with access off Old Chester Road”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application is made in outline with details of access provided for consideration at this stage. All other matters are reserved for future approval. I have therefore treated the submitted plans and elevations as illustrative.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to pedestrian safety.

Reasons

4. The appeal site is located alongside the small cul-de-sac of Cygnet Close, which comprises a small estate of retirement bungalows and apartments. The surrounding area is mixed in character with a variety of commercial uses fronting onto Old Chester Road alongside residential properties.
5. Access to the proposed dwelling would utilise the existing narrow, single-width driveway located between the buildings at 45 and 47a Old Chester Road. This access currently serves the rear of the commercial units and side garden gate of 47 Old Chester Road. The adjacent highway is subject to a 20 mile per hour speed limit and is marked with double yellow lines. During my site visit, no on-street parking was observed adjacent to the access.
6. The Council has raised no concerns regarding any material increase in traffic or impacts on the wider highway network. The site occupies a sustainable location with good access to local services, amenities and public transport. However, the Highway Officer objects to the proposal on road-safety grounds, particularly pedestrian safety, and this forms the reason for refusal.

7. Although the access is already used by the adjoining business and dwelling, the additional vehicle movements generated by the additional dwelling would exacerbate an already substandard situation. The combination of the narrow access, restricted visibility and the presence of a shop doorway and cash machine immediately adjacent to the access would create an unacceptable risk to pedestrians who have the ability to walk close to the building frontages. The driver of an emerging vehicle would be required to move forward past the front of the buildings without the ability to see all pedestrians that may be on the footway. Even if a vehicle was slow moving there would be an unacceptable risk of a collision with a pedestrian by an emerging vehicle. While that may also be the case in relation to the present users of this access, this is not justification to add to the potential danger by allowing further traffic through the access.
8. The appellant suggests measures, such as the installation of either a low brick wall or steel hoops and tactile paving, on either side of the access to improve safety. However, the Council considers that these features would introduce trip hazards for pedestrians and constrain pedestrian movements without resolving the underlying concerns over pedestrian safety. I share that view, and no compelling evidence has been presented to justify an alternative conclusion.
9. Given these circumstances, and notwithstanding the relatively low vehicle speeds, I am not satisfied that drivers exiting the site would have clear, unobstructed visibility of pedestrians on the adjacent footway. The proposed measures would not be sufficient to mitigate this risk. Accordingly, I conclude that the proposal would be harmful to highway safety, with particular regard to pedestrian safety. As a consequence, the additional vehicle movements through this access would conflict with Policy T 5 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (July 2019) which, amongst other aims, requires new development to provide safe access to and from the site for all users, include appropriate connections to the adopted highway and adequate visibility splays and to avoid creating road-safety impacts that cannot be satisfactorily mitigated.
10. Additionally, I have had due regard to the National Planning Policy Framework (the Framework), which indicates that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. In the circumstances of this case, I consider that the additional vehicle movements resulting from the proposal would create an unacceptable impact on highway safety.

Other Matters

11. I acknowledge that there are no concerns with regards to ecology and drainage and that no objections were received from the Parish Council and ward members. The appeal site does not include a listed building and is not within a conservation area or area of special landscape value. However, these are neutral matters which do not weigh in favour of allowing the appeal.
12. My attention has been drawn to the Highway Code, which recognises that everyone should behave responsibly on the highway. Also, that there have been no recorded traffic accidents in the vicinity over last 5 years. However, the weight attributable to these matters is limited because of the circumstances I have found on this site and would not outweigh the harm I have found.

13. The appellant refers to another proposal at Whitby Road, which they consider supports their case. While there are some similarities, the circumstances are not directly comparable. Although neither access would allow two vehicles to pass, in that case the arrangement was found to be acceptable as the access point and road beyond was wider, with visibility enhanced through a raised kerb directing traffic away from the boundary and a splayed building line. I attach this other case limited weight because of the material differences between the sites. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
14. I have noted the appellant's concerns over the handling of the application by the Council, specifically the Highway Officer. However, this is not a matter for my consideration in terms of the merits of the appeal which I have considered on the evidence before me and my site visit.

Planning Balance

15. I have found that the scheme would cause an undue safety harm and therefore would fail the related development plan policies. I attach this harm substantial weight such that the scheme would conflict with the development plan when considered as a whole.
16. However, the Council confirm that it cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, the presumption in favour of sustainable development as contained within paragraph 11 d) of the Framework is engaged. This requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The proposal would make a modest but worthwhile contribution to housing supply in a sustainable location with associated economic benefits during the period of construction and once occupied. The scheme would make effective use of the land and would support the Framework requirements to boost housing supply. However, as only a single unit of accommodation would be provided, and even if the supply of housing land was very low, I attribute the collective benefits limited weight in favour of approval.
18. The development plan policies that seek to provide a safe highway network are generally Framework compliant and therefore I attach substantial weight to the conflict with these development plan policies.
19. I have concluded above that the proposal would result in undue harm to highway safety, to which I attribute substantial weight. I attached limited weight to the benefits of the scheme. As a consequence, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the scheme would not be sustainable development within the meaning of the Framework and this weighs heavily against the proposal.

Conclusion

20. For the reasons set out above, I conclude that the proposal conflicts with the development plan when considered as a whole and there are no material

considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed

K Mee

INSPECTOR