

Appeal Decision

Site visit made on 13 February 2017

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2017

Appeal Ref: APP/A0665/W/16/3164640

Caravan, Birchwood Farm, Welsh Road, Ledsham Chester CH66 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Wyness against the decision of Cheshire West & Chester Council.
 - The application Ref 16/02563/FUL, dated 16 June 2016, was refused by a notice dated 14 October 2016.
 - The development proposed is the conversion of a redundant building to residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant building to residential use at Caravan, Birchwood Farm, Welsh Road, Ledsham Chester CH66 9PA in accordance with the terms of the application, Ref 16/02563/FUL, dated 16 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Scale 1:500, Document B; and Floor Plans and Elevations as Existing & Proposed, Drawing Number NA20126/01 Rev A.
 - 3) The dwelling shall not be occupied until the two lean-to structures attached to the North West and South West elevations have been removed, and all resultant demolition waste removed from the site.
 - 4) The dwelling shall not be occupied until space has been laid out within the site for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 5) Prior to the incorporation of any alternative roof covering within the building, details / samples of the external roofing materials shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 6) With the exception of the roof covering, the external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing Number NA20126/01 Rev A.
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- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Part 1, Classes A, B, C, D and E shall be carried out without the grant of planning permission by the local planning authority.

Main Issues

2. The main issues in this case are:

- Whether the proposal would be inappropriate development in the Green Belt;
- The effect on openness of the Green Belt and purposes of including land within it; and
- Whether the proposal would be acceptable in principle in such a location in the light of relevant local and national policies.

Reasons

Inappropriate development

3. The appeal site comprises a single storey building which has a steel frame construction, block and timber walls and a steel sheet mono-pitched roof. At the time of my visit it appeared to be used for general storage. It is located within the former farmyard of Birchwood Farm and within the North Cheshire Green Belt.
4. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One), Strategic Policies (LP), adopted January 2015 advises within the countryside the re-use of existing rural buildings will be permitted where the buildings are of a permanent construction and can be re-used without major reconstruction. It advises that the general extent of the North Cheshire Green Belt will be maintained and that within the Green Belt additional restrictions will apply to development in line with the National Planning Policy Framework (the Framework).
5. Paragraph 90 of the Framework states that the re-use of buildings is not inappropriate development in the Green Belt provided that the buildings are of a permanent and substantial construction and provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
6. The existing building has a solid concrete floor with walls constructed of concrete blocks with some timber boarding. The roof is supported by timber rafters and purlins which are further supported by concrete block piers. I understand that the building has been in place since the mid-1990s and from a visual inspection at my site visit, it appeared to be in a good state of repair. There is no doubt in my mind that the building is of a permanent construction and that its mass and built form is substantial.
7. The appeal proposals do not seek any reconstruction works nor do they seek to extend the building. Whilst a structural survey did not accompany the

application, I note that the Council did not request one. However, from what I saw on my site visit, and in the absence of any substantive evidence to suggest otherwise, I see no reason why the external walls would need to be rebuilt as part of the development. Window and door openings would be created within the existing block walls, and I agree with the appellant that if deemed necessary it would be possible to strengthen the walls by underpinning. The existing roof is well supported, and whilst the roof covering may need to be repaired or replaced, these works would not amount to major reconstruction. It is intrinsic to the re-use of most rural buildings that internal works would be required to provide suitable living accommodation, however such works would not constitute development.

8. I conclude that the building is of substantial and permanent construction and could be converted without major reconstruction. My conclusions on the next issue, the effect on Green Belt openness and purposes, will determine whether or not the development is inappropriate.

Green Belt openness and purposes

9. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence.
10. The proposal involves the re-use of an existing building. Although there would be likely to be some domestic paraphernalia associated with the dwelling, including parked cars, in view of the size of the proposed dwelling and its associated site area, that would not be above and beyond the outside storage and parked cars that are associated with the building's current use. Moreover, the appeal proposal would remove two existing lean-to structures from the building which would improve the openness of the Green Belt.
11. I conclude that the development would be for the re-use of the building which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. It would not therefore conflict with paragraph 90 of the Framework, and would not be inappropriate development within the Green Belt. Furthermore, I find no conflict with Policy STRAT 9 of the LP the aims of which are set out above.

Whether the proposal would be acceptable in principle in such a location in the light of relevant local and national policies

12. LP Policy STRAT 1 sets out the Council's sustainable development principles and states that proposals that are in accordance with relevant policies in the Plan and support those specified sustainable development principles will be approved without delay, unless material considerations indicate otherwise. Proposals that fundamentally conflict with these principles or policies within the Local Plan will be refused.
13. Given the location of the site within the Green Belt, one of the key purposes of which is to prevent neighbouring towns from merging, it is not surprising that the appeal site may not be closely linked to local services and facilities. Green Belt policy makes provision for the re-use of buildings in such locations to encourage the use of previously developed land. Furthermore, Paragraph 55 of the Framework advises that the re-use of a redundant or disused buildings which would lead to an enhancement to the immediate setting is a special

circumstance which would allow for new homes in isolated locations within the countryside.

14. Whilst the existing building is in a relatively good state of repair, the development proposed would remove unsightly lean-to structures and improve the overall visual qualities of the site. Consequently, there would be an enhancement to the immediate setting, in particular for the occupiers of neighbouring dwellings.
15. I accept that the site does not have good connections to public transport; however it is not remote, and has direct access onto a major transport route with local shops and services less than a few kilometres away. I am mindful that the proposal is only for a single dwelling and therefore traffic generation and greenhouse gas emissions attributed to its use would be limited. Moreover, the development would be for the re-use of a building which would bring some economic and social benefits.
16. I have found that the proposal would not be inappropriate development in the Green Belt and also that there would be no conflict with Policy STRAT 9 of the LP nor paragraph 55 of the Framework. There would consequently be no conflict with the general aims of Policy STRAT 1 as set out above and the development plan as a whole. I conclude that the proposal would be acceptable in principle in such a location in the light of relevant local and national policies.

Other Matters

17. I have taken into consideration third party concerns regarding the suitability of the site access. I note that Highways England did not raise any objections to the proposal on highway safety grounds, and I have no substantive evidence before me that would lead me to a different conclusion.
18. I understand concerns expressed regarding the condition and appearance of the adjacent buildings; however these buildings do not lie within the application site and are not therefore a matter for my consideration in this appeal.
19. There are likely to be technical solutions with regard to dealing with foul and surface water, but these should be addressed through the Building Regulations and consultation with the statutory authority rather than the planning process.

Conditions

20. The Council has suggested a number of conditions which I have considered against the Framework and Planning Practice Guide. I have amended some of them for clarity.
21. A condition specifying the approved plans is required as this provides certainty. Conditions relating to materials and requiring the removal of the existing lean-to additions to the building are necessary to safeguard the character and appearance of the area.
22. I have imposed a condition requiring on-site parking in the interests of highway safety. In view of the Green Belt location, I consider that exceptional circumstances exist to remove some permitted development rights accruing to the property to preserve openness.

Conclusion

23. For the reasons given above and taking into account all other matter raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR