

Appeal Decision

Site visit made on 21 February 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/R0660/W/16/3164512

Warford Hall, Warford Hall Drive, Great Warford, Alderley Edge, Cheshire SK9 7TP

- 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 and Mrs D Ward against the decision of Cheshire East Council.
 - The application Ref 15/4515M, dated 1 October 2015, was refused by notice dated 8 July 2016.
 - The development proposed is described as 'Change of use from dwelling and ancillary offices to dwelling with conference / banquet facilities including approved glazed links'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in my heading is taken, in accordance with normal practice, from the application form. However, the submitted details show that the proposal also includes the construction of an extension to provide a function room. This would occupy the same external envelope as a domestic extension which is subject to planning permission 15/2496M, but would be for a different use and have different elevational treatment. The Council dealt with the proposal on the basis that it includes the function room extension. I have dealt with the appeal on the same basis.
 3. The appellants have requested that, in determining the appeal, I take into account the travel plan (dated September 2015) which was submitted with the original application (TP1), rather than the second revised travel plan (TP3), which was considered by the Council when it determined the application. I understand that TP1 was made subject to public consultation, during which interested parties were able to comment on it. I also note however that some of its details do not reflect other revisions which were subsequently made to the application, summarised in section 2 of the appellants' Further Planning Statement, April 2016.
 4. To avoid confusion, I have determined the appeal having regard to TP3. In doing so, however, I have also considered whether any planning permission could be conditioned to revert to a travel plan based upon the broad principles set out in TP1.
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5. Although the appellants have stated that the Council's reason for refusal does not reflect the discussion at the Planning Committee I have determined the appeal having regard to the reason for refusal on the decision notice.

Main Issues

6. The main issues are:

- (a) Whether or not the proposed development would constitute inappropriate development in the Green Belt taking into account its effect on openness;
- (b) The effect of the proposed development on the living conditions of occupiers of nearby dwellings, particularly in relation to noise and disturbance;
- (c) If the proposal would be inappropriate development in the Green Belt, whether the 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 necessary to justify the development.

Reasons

Policy context

7. The development plan for the area comprises the Saved Policies of the Macclesfield Borough Local Plan (MBLP) 2004. My decision must accord with these unless material considerations indicate otherwise. The National Planning Policy Framework (the 'Framework') and the emerging Cheshire East Local Plan Strategy (LPS) also form important material considerations.

Inappropriate development

8. The appeal proposal includes both operational development, i.e. the proposed function room extension and glazed link, and the re-use of the existing building to support the proposed conference/banquet facilities. Whilst paragraphs 89 and 90 of the Framework do not address hybrid proposals such as this, they are both relevant to the question of whether the proposed development would constitute inappropriate development in the Green Belt.
9. Under paragraph 89 of the Framework, the extension or alteration of an existing building is not inappropriate provided '*...it does not result in disproportionate additions over and above the size of the original building...*'. The original building in this context is defined as '*...a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*¹.'
10. The proposed function room extension and glazed link would be attached to an existing part single/part 2 storey outbuilding which is itself linked by walls around a courtyard to the main Warford Hall building. The Hall and relevant outbuilding both appear to be of substantial age and the historic maps, whilst not of a detailed nature, indicate that they existed long before 1948. Although an extension has subsequently been added to the Hall this is on the approximate siting of an earlier outrigger shown on the historic maps.
11. The Council has identified that the proposal would result in an increase in the floor space of the existing dwelling of about 30%. Whilst it is not clear that this

¹ National Planning Policy Framework, Annex 2: Glossary

figure includes all existing and proposed net additions to the building since 1 July 1948, from the evidence before me, including from my site visit, I consider it unlikely that the overall figure would be much higher than this. The height and cumulative volume of the extensions now proposed would also be substantially less than the original building. I conclude that, on the balance of probability, the extensions now proposed would not result in disproportionate additions over and above the size of the original building.

12. The proposed extension would, having regard to its use, fall outside the categories of operational development which Saved Policy GC1 of the MBLP states may be permitted in the Green Belt in the absence of very special circumstances. However, due to its inconsistency with paragraph 89 of the Framework and in accordance with paragraph 215 of the Framework, the detailed wording of this policy carries limited weight.
13. Under paragraph 90 of the Framework, the re-use of an existing building is not inappropriate provided it is of permanent and substantial construction and the new use would *'...preserve the openness of the Green Belt and the purposes of including land within it...'*.
14. Case law has established that the concept of Green Belt openness has a spatial aspect as well as a visual aspect². It has also been established that it can include the effects of non-built elements such as vehicular parking on openness.
15. The currently authorised use of the appeal property, as evidenced by certificate of lawfulness of existing use 08/1297P, is as a single dwelling. This use, even with ancillary offices attached, can be expected to generate only limited amounts of vehicular parking.
16. In contrast, the proposed use, including events with up to 130 guests, can be expected to generate considerable amounts of parking. Whilst the version of the travel plan which was proposed when the Council determined the application (TP3) sought to provide parking off-site, even this would involve on-site car parking for up to about 30 overnight guests plus parking at times of other vehicles such as delivery vehicles and mini/midi buses. It is also not clear that TP3 would in any event work effectively given its complexity and the Council's point (which has not been refuted by the appellants) that not all the off-site car parks that would be used in connection with it have the necessary planning permission. If the appellants' currently preferred travel plan (TP1) were to be used, or if no travel plan were to be implemented, there would be even higher levels of parking on site.
17. I acknowledge that the largest events would be limited to a maximum of 60 occasions per annum, when the most intensive parking would be limited to a few hours from immediately before until after the event. The effects on the visual aspects of openness would also be limited by the fact that the parking bays are dispersed around 2 sides of the building complex. No new parking areas are proposed. The coming and going of traffic would only have transient openness effects and the appellants propose to reduce the scale of the current Charity Ball event.

² Turner v Secretary of State for Communities and Local Government and East Dorset Council [2016] EWCA Civ 466 – see appellant's statement, Appendix EP14, paragraph 25

18. Nevertheless, I conclude that when considered as a whole the 'change of use' element of the proposal, together with the use of the proposed extensions, would not preserve the openness of the Green Belt.
19. I accept that the property was previously used, before the current dwelling was permitted and came into use, for office and hospital uses which are likely to have involved substantial amounts of car parking. However, the assessment of whether the proposal would preserve the openness of the Green Belt must be based upon a comparison of its impacts against those which would arise from continuing the currently authorised use.
20. Having regard to all these points, and notwithstanding my earlier finding that the proposed extensions would not cause a disproportionate addition to the original building, the proposed development as a whole would constitute inappropriate development in the Green Belt as defined in the Framework, Policy GC8(1) of the MBLP and Policy PG3 of the emerging CELPS.

Living conditions

21. The proposed development would include the use of the property for up to 100 events each year, including up to 60 weddings and other evening functions with up to 130 guests of whom about 30 would stay overnight. Whilst the appeal property is set within its own grounds, several dwellings are located close by including alongside Warford Hall Drive. Key considerations include the potential for noise and disturbance during the events and as guests arrive at and leave the premises.
22. Paragraph 123 of the Framework establishes in summary that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and identify and protect areas of tranquillity which have remained relatively undisturbed from noise. The Planning Practice Guidance (PPG)³ identifies factors which influence whether noise could be a concern such as the source and absolute level of the noise together with the time of day it occurs and for non-continuous sources of noise the number of noise events and the frequency and pattern of occurrence of the noise.
23. The appellants have drawn my attention to the large potato storage and distribution sheds at The Beeches which, like the appeal property, is accessed along Warford Hall Drive and is identified as operating on a 24 hour, year round basis. I have also noted the records of vehicular traffic including large vehicles in the area provided by the appellants. However, paragraph 6.4 of the submitted Noise Assessment indicates that night time background noise levels are very low.
24. The appellants' Noise Assessment sets out a number of measures to control noise. However, it contains only limited details to address noise from traffic and from guests arriving and leaving late at night. In addition, stipulations that windows and doors should remain closed, that guests should not use the central courtyard beyond 1930 in the evening or use other external areas could prove hard to enforce, particularly on warm summer evenings. It is also not clear that noise from guests who are staying overnight, and who may wish to continue partying, would be adequately controlled. I also note that technical

³ Paragraph: 006 Reference ID: 30-006-20141224

questions concerning the methodology of the noise assessment, raised in a review prepared on behalf of an interested party⁴, have not been fully addressed.

25. The second revised travel plan (TP3) included provision for those guests who were not to stay overnight at the premises to be picked up and dropped off by mini/midi bus from local car parks and hotels, and various other controls including financial penalties for guests who breached its terms. However the practical arrangements required to implement TP3 are complex requiring in effect a bespoke 'plan of action' to be set up for each major function. As already stated, it is not clear that all the proposed park and ride facilities have the necessary planning permission. I am not convinced that the arrangements for guests to leave the premises at pre-allotted times from 2100 onwards would work smoothly particularly when guests may not wish to miss the later parts of a function, or that there would not be times when guests would wait noisily outside the building to be picked up. Even if TP3 worked smoothly it would lead to regular mini/midi buses running up and down Warford Hall Drive at up to around 0030 hours causing a risk of noise to the occupiers of neighbouring dwellings.
26. Whilst I note the appellants' reference to the case at Upper House, this appears to relate to a proposal for just 12 functions per year⁵. Also, whilst planning permission was initially granted on a temporary basis at Upper House, such an approach would be unreasonable in the current appeal given the capital works required to build the proposed extensions and implement noise control measures. The Upper House travel plan also appears to be simpler than TP3, primarily using a single car park located nearby at Sett Valley Trail to pick up and drop off guests.
27. I have noted the appellants' proposal to use a simpler travel plan, based upon the first version (TP1) but with the addition of a valet service to park guests' cars. This approach would avoid the planning difficulties associated with specific park and ride sites identified by the Council in relation to TP3. However, under this approach the great majority of guests would be likely to arrive by private car. It would be likely that on occasion many non-resident guests would wish to leave the premises at similar times in the hour or two running up to 0030 at night. Despite the proposal to use a valet service I am also not convinced that there would not be frequent occasions when high spirited and noisy guests would cause disturbance as they return to their cars late at night. Similar results would be likely to arise if the use were to operate with no travel plan.
28. It is also not clear from the details provided that the uses at Merrydale Manor and other sites would have the same effect on nearby residents. I have in any event considered the appeal proposal as I must on its own merits. Whilst the previous use of the appeal site as an office is likely to have involved a substantial amount of vehicular coming and going, this is unlikely to have involved the same concentration of activity late at night as the appeal proposal.

⁴ 'Proposed Wedding Venue at Warford Hall, Cheshire – review of noise assessment', Sandy Brown, January 2017, page 3

⁵ Appellant's further planning statement, Appendix EP3, paragraph 1.1

29. Whilst the appellants have agreed to reduce the size of the annual charity event and to hold this in the function room, this would not offset the impact of the proposals as a whole in relation to noise and disturbance.
30. Having regard to all the factors set out above, it has not been satisfactorily demonstrated, particularly given the frequency and scale of the proposed functions that the proposed use would operate without causing substantial harm to the living conditions of occupiers of nearby dwellings. Its approval would therefore conflict with the relevant provisions of Saved Policy DC3 of the MBLP and the Framework.

Other Considerations

31. The appellants have indicated that the proposal would generate 8 full time jobs and additional support jobs in those companies which provide services for the functions. These would be important benefits, which would offset the proposed reduction of the appellants' current office use at the site. However, there is little evidence to demonstrate that the scope for other economically beneficial uses of the site which would avoid the harm that I have identified has been fully explored. Therefore, whilst these benefits should not be under-estimated I attribute only moderate weight to them.
32. The proposal would generate an income for the family and result in the re-use of a building which, whilst not listed, is of some heritage interest. It would enable any floorspace vacated by the current ancillary office use to be re-used. However, the building is not vacant at present and it is not clear that the appeal proposal is essential to securing its long term viable use. I attribute only limited weight to these benefits.
33. The proposed extension would be of similar design and scale to that which was approved under planning permission 15/2496M. That permission has not expired and there is a reasonable prospect that it would be implemented if the appeal is not allowed. However, as it was for a residential use which would not have caused the material harm that I have identified, this point does not weigh substantively in support of the proposal.
34. Whilst the proposal could help to promote local places to stay there is little evidence that this would have a substantial effect on overall visitor numbers to these establishments.
35. I agree that the proposal could operate without causing harm to highway safety. However this constitutes a lack of harm in relation to this point rather than a benefit to weigh in the balance.

Overall planning balance and conclusion

36. Against the proposal, I have found that it would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework establishes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to such harm.
37. In addition, I have found that it has not been satisfactorily demonstrated that the proposal would operate without causing substantial harm to the living conditions of occupiers of nearby dwellings. Due to the resultant conflict with

relevant national and development plan policy, this harm also carries substantial weight against allowing the appeal.

38. Whilst I have identified some other considerations which weigh in support of the proposal, having regard to the points which I have set out earlier these individually carry only limited or moderate weight. Consequently, I find that the other considerations in this case would not, considered cumulatively, clearly outweigh the harm that I have identified. Therefore, the very special circumstances needed to justify the development do not exist. The proposal would also not accord with the development plan as a whole or amount to sustainable development in the terms of the Framework.

39. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR