

Appeal Decision

Site visit made on 31 May 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/A0665/W/17/3170703

Holly Bank, Duddon Common Lane, Duddon, Chester CW6 0HG

- 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 Miss Zoe Lindop against the decision of Cheshire West & Chester Council.
 - The application Ref 16/05315/FUL, dated 29 November 2016, was refused by notice dated 15 February 2017.
 - The development proposed is the change of use of part of existing building to one bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of existing building to one bedroom dwelling at Holly Bank, Duddon Common Lane, Duddon, Chester CW6 0HG in accordance with the terms of the application, Ref 16/05315/FUL, dated 29 November 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: 3045:01 – Location Plan; 3045:06 – Ground Floor Plan – Proposed; 3045:07 – Proposed Elevations – Outbuilding; 3045:08 – Proposed Elevations – Garage and 3045:09 – Site Plan – Proposed.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the application form and/or the approved plans.

Main Issue

2. The main issue is whether the proposal would result in a new isolated dwelling in the countryside and a sustainable form of development.

Reasons

3. The appeal site lies in the open countryside and outside the defined settlement boundary of Dutton. The building subject of this appeal is built from a rendered breeze block with a tile roof. The building is part of Holly Bank which is a detached residential dwelling set back from the lane. There are also a number of other residential dwellings and farms located off the lane.
 4. The pitched roof building comprises of a mixture of stables, storage, a garage
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and a workshop. It is not therefore redundant or disused. Three stables would be retained in the southern part of the building. The existing garage and workshop would re-locate into the proposed new timber framed building that would replace the existing open hay barn. I note the Council do not raise any concerns with the hay barn being demolished or the proposed garage and workshop. I agree with their view.

5. Policy HO7 of the Chester City Council Local Plan (CCCLP) relates to the construction of new dwellings. Nevertheless the proposal is a change of use which would make use of the existing building, subject to a number of changes.
6. The re-use of rural buildings is set out in CCCLP Policy HO10. The term rural building, for the purpose of this policy, is explained in the Council's Supplementary Planning Document: Re-use of Rural Buildings (SPDRRB). In addition to traditional and modern farm buildings, the SPDRRB explains that other rural buildings *may be considered suitable for alternative uses, including former schools, chapels, mill buildings etc., provided that the building is of permanent and sound construction and capable of re-use without significant repair or rebuilding works*. The current use of the building is not specified in this list, nevertheless it is not a closed list given the use of 'including' and 'etc'.
7. Given the use of materials and the apparent condition of the existing building, I consider that it is of permanent and sound construction. In terms of the proposal, even with the planned alterations, I am satisfied that it could be re-used without significant repair or rebuilding works. The scheme also includes side and rear extensions which would maintain the building's character and appearance. However these do not change my view that the building is a rural building which is suitable for conversion, despite its link to Holly Bank. Thus, despite the Council's contrary view, CCCLP Policy HO10 is a relevant policy to the consideration of this appeal. In terms of this policy, I note that the Council do not dispute the appellant's points that the scheme complies with each criterion of this policy. This is a view that I share, especially in relation to any potential employment use or mixed-use including employment.
8. Returning to CCCLP Policy HO7. The aim of this policy is to avoid isolated new homes in the countryside unless specific justification is given. This approach closely follows that of paragraph 55 of the National Planning Policy Framework (the Framework). In these terms the building lies in a rural area and among a group of other dwellings and between two separate farms. There are also other residential properties which lie between the site and Willington Road. So, despite the site's position in relation to the lane and the defined settlement, it is not isolated from other buildings or people.
9. Still, the site is some distance away from a number of housing developments¹ near to Tarporley Road, some of which pre-date the adoption of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (CWCLP Part One). Duddon, I am informed has been identified as a local service centre in the Council's preferred approach to the emerging Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Plan. Local service centres are, as a result, described as having adequate services and facilities and access to public transport in CWCLP Part One Policy STRAT2. They are also third in the settlement hierarchy set out in this policy which seeks to deliver at least 22,000 new dwellings over the period of 2010 to 2030.

¹ Council Application Refs: 12/01648/FUL; 14/04425/FUL and 16/04895/FUL

10. Of the housing developments referred to, in the Council's opinion, as they lie in the defined boundary of Duddon, they are considered to be sustainable, unlike the appeal site which is said to be isolated from nearby settlements and services. As the site lies outside the settlement boundary, this leads to tension with CWCLP Part One Policy STRAT2. However this does not necessarily mean that the site is isolated.
11. With regards to walking and cycling there is no footway or street lighting until the village hall on Willington Road. Nevertheless, the route to local facilities and services is suitable for walking and cycling, as it is not, until Tarporley Road heavily trafficked. Even so, I consider that the majority of journeys would still be made by private vehicle due to the distance involved, especially during inclement weather and the hours of darkness. I therefore agree with the Council that the site is not in a highly sustainable location. However, the future occupants' of the proposed dwelling would be no different to any of the other occupants' of other nearby properties, including the nearby development at Brookfield Cottage², in being able to access adequate facilities and services for their day-to-day needs. As a result, I do not consider the site to be physically isolated or so isolated from services and facilities that it would not help in maintaining the vitality of the rural community.
12. While the Council have concerns about the interpretation of their policy in decision-making and in spite of any trends, each application must be considered on its own planning merits. In this regard, my findings relate to the appeal site and not the scheme at Tarvin³ which is in a key service centre. Also, consistent decision-making underpins the planning system which is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. My findings follow this approach.
13. As set out earlier the proposal leads to a tension with CWCLP Part One Policy STRAT2, in that development would not be brought forward in line with the settlement hierarchy. However, having regard to the development plan as a whole and the Framework, which is a material consideration, I conclude that the proposal would accord with CCCLP Policies HO7 and H10, CWCLP Part One Policy STRAT1 and paragraph 55 of the Framework. Jointly these seek to, among other things, re-use rural buildings if they are of permanent and substantial construction and capable of conversion without major or complete reconstruction; avoid isolated new dwellings in the countryside to promote sustainable development in rural areas.

Conclusion and Conditions

14. I have had regard to the conditions suggested by the Council. I have imposed conditions specifying the approved plans as this provides certainty and to secure the materials in the interests of the areas character and appearance.
15. For the reasons set out above, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

² Council Application Ref: 15/03163/FUL

³ Council Application Ref: 16/04928/FUL