



Appeal Decision

Site visit made on 10 September 2019

by M Savage BSc (Hons) MCD MRTPI

An Inspector, appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/R0660/W/19/3231251

Acres Farm, Weathercock Lane, Congleton, Cheshire CW12 3PS

- 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 Mrs Susan M Bennett against the decision of Cheshire East Council.
 - The application Ref 18/5299C, dated 22 August 2019, was refused by notice dated 18 December 2018.
 - The development proposed is conversion of existing farm building into an extension of existing residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing farm building into an extension of existing residential use at Acres Farm, Weathercock Lane, Congleton, Cheshire, CW12 3PS, in accordance with the terms of the application, Ref 18/5299C, dated 22 August 2019, 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 plan:3164/01.
 - 3) No development involving the use of any facing or roofing materials shall take place until details of the materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the first occupation of the building a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of hard and soft landscaping, boundary treatments, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme. All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved.

Main Issue

2. The main issue is whether the proposal is inappropriate development within the Green Belt for the purposes of the Framework and development plan policy.

Reasons

3. The National Planning Policy Framework (the 'Framework')(2019) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of identified exceptions set out in paragraphs 145 and 146 of the Framework.
4. Paragraph 146 of the Framework advises that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Of particular note is (d) the re-use of buildings provided that the buildings are of permanent and substantial construction. Policy PG3 of the Cheshire East Local Plan: Local Plan Strategy (LPS) 2010-2030¹ takes a similar approach to development in the Green Belt.
5. The Council has also cited Policy BH15 of the Congleton Borough Local Plan First Review (CBLPFR)(2005) which supports the conversion, reuse or adaptation of existing rural building where the building is permanent and substantial and would not require extensive alteration, rebuilding or extension, amongst other things.
6. The appeal building is constructed of breeze block, sections of which are clad in stone and a corrugated cement roof. The building is 'L' shaped with openings on two sides and an open gable section. The ground is laid with a reinforced concrete slab and provides a raft foundation to the perimeter walls. A steel frame and dense concrete block provide structural support. The appellant asserts that the building has been used by the occupiers of the main house for domestic storage for more than 10 years. I saw that the building is used for the storage of domestic paraphernalia and does not appear to be in agricultural use.
7. The appellant has submitted a structural report in support of the appeal scheme which concludes that the building is in sound condition, with the exception of some of the cement cladding. Following my inspection of the site, I have no reason to doubt this conclusion and I note that the Council's advice from an independent structural engineer generally concurred with its findings.
8. The building has a solid floor and whilst the roof comprises corrugated cement, it is a building material commonly found in agricultural buildings and is mostly complete. Whilst there are openings at the rear of the building, solid concrete walls which are load bearing make up a significant proportion of the building's perimeter. I therefore conclude that the building is of permanent and substantial construction. In coming to this view, I have had regard to the notable judgement in the Hibbitt² case, insofar as it is relevant to the appeal scheme before me.
9. The proposal to re-use the building would include alterations which would fall to be considered under the exception set out in paragraph 145 c) of the Framework for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original

¹ Adopted 27 July 2017

² Hibbitt v SSCLG [2016] EWHC 2853

building. The proposal would include the installation of doors and windows, external stone cladding and the replacement of the roof. There would no discernible increase in the overall size of the building arising from the proposed works and as such, the appeal scheme would not result in disproportionate additions over and above the size of the original building.

10. The replacement of the roof, reinstatement of cladding to the exterior of the building and insertion of windows and doors would reasonably be required of most conversions of rural buildings and as such, I do not consider would constitute extensive alteration. Although additional blockwork would be required to fill the remainder of openings not filled by doors and windows, as a proportion of the overall building, the amount required would be limited. As such, the proposal would not conflict with Policy BH15 of the CBLPFR, the requirements of which are set out above.
11. Since the building is already upon the site, the proposal to convert it to residential use would not result in a loss of openness to the Green Belt, or conflict with the purposes of including the land within it. For the above reasons, I conclude that the proposal would not represent inappropriate development within the Green Belt, nor would it conflict with Policy PG3 of the LPS, the requirements of which are set out above.

Conditions

12. I have considered the conditions put forward by the Council and other parties against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others. In the interests of certainty and proper planning I have included conditions relating to commencement, plans and materials. I agree that it is necessary to include a condition to secure details of hard and soft landscaping in the interests of preserving the character and appearance of the area. However, since the appeal scheme would comprise the conversion of an existing building already in residential use, it is unnecessary to require strict adherence to British Standards or require replacement planting.
13. A bat and owl survey carried out in support of the appeal scheme found no evidence of bats or barn owls using the site. Since the appeal scheme would involve the conversion of an existing building, there would be no significant removal of vegetation. Given the above, and since nesting birds and bats are protected under other legislation, I consider it unnecessary to impose conditions to secure their protection or mitigation.
14. The appellant has requested an unencumbered planning permission for residential use in terms of occupation. The Council has not requested an occupancy condition and, following my consideration of the appeal, I do not consider that a condition restricting occupancy is necessary.

Conclusion

15. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out above.

M Savage

INSPECTOR