



Appeal Decision

Site visit made on 22 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/R0660/W/19/3234526

The Rowans, Whitchurch Road, Aston, Nantwich CW5 8DJ

- 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 Andrew Longman (Longmans Quality Farm Produce Ltd) against the decision of Cheshire East Council.
 - The application Ref 19/1956N, dated 18 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is resubmission of planning application 18/4857N for the Change of Use of existing commercial buildings to form a new shop selling local produce with butchery and bakery as well as café, together with toilets and staff facilities. Extension of one building and alterations to others together with the installation of children's play equipment and other associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was refused, the Appellant has submitted revised plans in relation to some elements of the proposals in relation to the café use. The Council have not raised issues with the minor alterations. In deciding whether to accept this plan, I am mindful of the principles of the *Wheatcroft case* (*Bernard Wheatcroft Ltd. V Secretary of State for the Environment and Another* 1982). However, in this case, I consider that there would be no prejudice to any party by accepting this detail at the appeal stage.

Main Issue

3. The main issue in this case is whether the development is acceptable having regard to development plan policy.

Reasons

4. From the evidence in front of me, there is an existing approval for similar development on site, which gained consent under planning application 18/4857N. The main difference between that consent and the current appeal relates to a proposed extension to an existing building, and this forms the crux of the Council's objections to the appeal proposal.
5. The appeal site is accessed via Whitchurch Road, and comprises of a number of buildings, of which a double bay, single storey commercial building and a two storey building are the main features. The site is located within the open countryside

6. Policy PG6 of the Cheshire East Local Plan Strategy (2017) (the LP) relates to open countryside and states that only development that is essential for agriculture, forestry, public infrastructure, essential public service works and appropriate uses in a rural area will be permitted, but with some exceptions, including the re-use of rural buildings, where the building is permanent and substantial, and would not require extensive alteration, rebuilding or extension. This is reinforced by Policy EG2, which outlines the strategy for the rural economy. Policy EG5 deals with the provision of services of an appropriate scale or nature to meet the needs of the local community in rural areas.
7. The Council are in the process of consultation for a Site Allocations and Development Policies Document, which has finished consultation, and I understand is to be submitted for inspection. However, given the current status of the document, it can only be attributed limited weight. In addition, I understand that the Newhall Parish Neighbourhood Plan is under examination, but the policies therein cannot be attributed significant weight at this stage. Therefore, the LP policies set out in the reason for refusal form the basis of the objections of the Council.
8. I consider that, whilst there is no definition of extensive extension as set out in Policy PG6, the extension to the existing building would effectively double its size, and I find that such a significant change would, in my mind, be defined as extensive, and as such contrary to Policy PG6 of the LP.
9. I have noted the comments of the appellant in relation to the need for the extended area and the optimising of business viability. However, I have to return to the existing consent, which the Council considered appropriate when granting permission, after the removal of the proposed extension from the scheme that is now the focus of this appeal. The extension of the building, without any solid justification in terms of existing operational needs or why there would be a need in terms of expanding a business that does not exist is, I find, insufficient reason to overcome the conflict with policy that I have identified.
10. As there is no existing business, then I find it difficult to judge whether the wording of Policy EG5 could be met, in terms of providing retail and services of an appropriate scale or nature to meet the needs of the local community, and therefore can attach limited weight to the arguments of the appellant in respect of meeting the aims of that policy.
11. There is no reason why the existing consent could not be implemented, and the business gain some time to establish operational and commercial needs with appropriate evidence to back up the requirement for further extension if necessary, should the business be commercially viable in the future.
12. Overall, on this issue, I find that the proposals are contrary to Policies EG2, EG5 and PG6 of the LP in respect of the Open Countryside, the Rural Economy and the strategic approach to retail and commerce set out in the LP.

Conclusion

13. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR