



Appeal Decision

Site visit made on 21 January 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/A0665/W/19/3239576

Yew Tree Farm, Ainsworth Lane, Crowton, Northwich CW8 2RS

- 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 Steven Rumbelow against the decision of Cheshire West & Chester Council.
 - The application Ref 19/00693/FUL, dated 18 February 2019, was refused by notice dated 12 September 2019.
 - The development proposed is an extension to a detached garage and change of use to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt. Accordingly, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and,
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the development is inappropriate in the Green Belt

3. Policy STRAT 9 of the Chester West & Chester Council Local Plan (Part One) Strategic Policies (2015) (LP1) permits the reuse of existing rural buildings where they are of permanent construction, can be reused without major reconstruction and where this would be in line with the Framework.
4. Policy DM22 of the Chester West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (2015) (LP2) is a criteria-based policy for proposals to convert buildings within the countryside (including the Green Belt) to dwellinghouses. Amongst other things, the policy restricts this type of change of use to those buildings which are currently redundant or disused. There is no dispute between the main parties that the building is currently in use, and this position was apparent at the time of my site inspection.

5. Paragraph 146 of the Framework establishes that the re-use of permanent and substantial buildings is not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it. Paragraph 145 of the Framework permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The formation of a separate unit of accommodation on the existing residential site would result in a change of use of the building and land through the creation of a new and separate planning unit. The main parties agree that the existing building is of a permanent and substantial construction such that it could be readily converted for the intended use and I saw no reason to reach a different conclusion in that respect.
7. The re-use of the building and associated change of use of the land are subject to the tests of preserving openness and avoiding conflict with the reasons for including land in the Green Belt. The main parties also agree that the proposed extension would be small in scale so as not to constitute a disproportionate addition to the existing building and it would therefore be acceptable under the provisions of Paragraph 145 c). Due to the degree of volume increase and limited scale of the extension, I agree that this would align with those provisions.
8. However, the scheme would also introduce a number of peripheral forms of development and activity on the land. New and extended hardstandings formed to the side and rear of the proposed dwelling would have a limited impact on visual openness but would adversely affect spatial openness. A proposed external store alongside bin storage and screen fencing would contribute to the reduced spatial and visual openness in this part of the Green Belt. This would be exacerbated by additional external parking generated across both the existing and proposed dwellings as a result of the loss of garaging provision. Taken together, these aspects of the development would result in a moderate impact to the openness of the Green Belt.
9. Whilst the development would not conflict with any of the purposes of including land within the Green Belt on account of its existing domestic use, for the above reasons, I conclude that the re-use of the building would conflict with the requirements set out in Paragraph 146 of the Framework and the proposal would constitute an inappropriate form of development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

10. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As described above, I conclude that in addition to harm arising from inappropriateness, the hardstandings, store, fencing, bin storage and vehicle parking would give rise to moderate losses of spatial and visual openness of the Green Belt.

Character and appearance

11. The appeal site contains a large domestic garage and store building associated with a dwelling located on the edge of an informal cluster of mainly residential

development fronting Ainsworth Lane. The area is distinctly rural in character and the wider group of buildings is surrounded by open fields on all sides.

12. The group contains mixed age, size and design of development and includes the residential conversion of traditional former farm buildings. Within the residential plots there is a generally high degree of landscaped gardens and natural boundary treatments. The surrounding fields are generally defined by hedgerows and rural fencing.
13. The proposed alteration of the building to include new window openings would define it as a building providing habitable accommodation in contrast to the existing functional garage appearance. The close siting and subordinate appearance of the appeal building reflects the typical relationship and prevailing character between houses and their ancillary outbuildings. The use of the garage as a separate dwelling would contrast sharply with this predominant character of development and appear incongruous in the locality.
14. Furthermore, the proposed fencing defining the rear boundaries would be clearly visible on approach to the group of buildings from the open side of the site. This would appear as a suburban feature that starkly contrasts with the verdant character of the locality and the typical boundary treatments found there.
15. I conclude that these aspects of the development would fail to preserve the character and appearance of the local development and would fail to meet the requirements of Policy DM22 of the LP2 that requires the conversion of buildings to lead to an enhancement of its immediate setting.

Other considerations

16. In support of the appeal, the appellant has directed me to a recent example of a conversion of a domestic outbuilding¹ to residential accommodation directly opposite the site. In the absence of the full details of that case within the evidence I am unable to ascertain the full circumstances of that decision or draw comparisons between the two cases. Notwithstanding this, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that I have identified would cause harm.
17. The appellant advises that whilst not redundant, the garage is surplus to requirements of the owner and is not necessary for the existing dwelling to function. Whilst this might be the case, the test set out in Policy DM22 of the LP2 relates to the use of buildings in contrast to their necessity. The matter therefore attracts negligible weight in support of the development.
18. The appellant describes that the development would lead to the subdivision of the garden and therefore reduce the maintenance liability on the existing owner/occupier. Whilst this may be of benefit to those individual parties, land maintenance is not an aspect of the site that is subject to a grant of planning permission, it is not therefore a matter that weighs significantly in favour of the development.
19. In addition, I have note the appellant's comment that the Council could control any future erection of garages on this overall site by the removal of permitted

¹ Planning permission 16/05009/FUL

development rights, but this does not go to the heart of the current appeal and I therefore give this matter only limited weight.

20. The absence of objections in relation to residential amenity, highway safety or the loss of future development potential would not be benefits in support of the development.

Conclusions

21. The change of use and extension of the existing building and the associated works are inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposed development would also reduce the openness of the Green Belt, which is one of its essential characteristics.
22. The garage is a substantial and permanent building that could be used without affecting the function of the existing dwelling and sufficient parking would be provided for both the existing and proposed dwellings. The development could be provided without harm to local residential amenity or highway safety. The subdivision of the plot would reduce maintenance burdens to the occupiers of Yew Tree Farm and no harm would arise from the loss of future development potential.
23. However, I consider that these matters only provide moderate weight in support of the proposal and do not clearly outweigh the harm that I have identified as a result of inappropriateness and the reduction in the openness of the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies STRAT 9 of the LP1 and DM22 of the LP2 and the Framework, which, of the policies referred to me by the parties are the most relevant.
24. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR