



Appeal Decision

Site visit made on 10 March 2020

by M Madge DipTP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/A0665/D/20/3245263

Oak Tree Farm, Hickhurst Lane, Rushton, Tarporley, Cheshire CW6 9AY

- 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 Stuart Shaw against the decision of Cheshire West & Chester Council.
 - The application Ref 19/02752/FUL, dated 22 July 2019, was refused by notice dated 24 October 2019.
 - The development proposed is an oak framed car port.
-

Decision

1. The appeal is allowed and planning permission is granted for an oak framed car port at Oak Tree Farm, Hickhurst Lane, Rushton, Tarporley, Cheshire CW6 9AY in accordance with the terms of the application, Ref 19/02752/FUL, dated 22 July 2019, and the plans submitted with it, 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: 2019/27/01 and 2019/27/02.
 - 3) The external facing materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plan: 2019/27/02.

Procedural Matter

2. I have taken the description of development from the Council's registration letter and the appellant's appeal form as this concisely describes the appeal proposal.

Main Issue

3. The main issue is the effect on the character or appearance of the countryside.

Reasons

4. Oak Tree Farm forms part of a sporadic cluster of properties located in the countryside. The existing buildings serve a variety of purposes including dwellings, traditional farm buildings, modern farm buildings and ancillary domestic outbuildings. The proposed development would be contained within this established cluster of buildings.

5. I saw that there are existing domestic buildings located to the south of the appeal dwelling's garden. The vehicle parking associated with the appeal dwelling takes place in and adjacent to the area where the development is proposed. While the development would be located outside the established garden serving the appeal dwelling, it would not encroach beyond the confines of the existing range of buildings.
6. The proposed development would be of a similar scale to the greenhouse and domestic outbuilding, which are also located beyond the appeal dwelling's garden. Furthermore, the proposal would not encroach beyond the established farmstead. It follows that no harm would arise to the character and appearance of the countryside in the specific circumstances of this case.
7. I acknowledge that the garden land may have been extended over the years and note the ordnance survey plan provided by the Council to show this. However, while the area in question may not have formed part of the original formal garden to the appeal dwelling, it already functions as its vehicle parking area. The proposal would not therefore result in a significant change in the function of this area of land.
8. The existing buildings display a variety of materials reflecting their degree of permanence and function. The development would be in keeping with the existing built form and would result in no significant increase in visual contrast between domestic and agricultural buildings.
9. The existing buildings and boundary treatments would screen the development from most public vantage points. I acknowledge that the proposed development would be visible when looking directly down the driveway from Hickhurst Lane, however this would be a fleeting view. Furthermore, as vehicles are already parked in this area, there would be little difference in visual appearance.
10. The appeal dwelling is a Grade II Listed Building, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this Listed Building. The development would have a neutral effect on the listed building having regard to the visual, functional and historic aspects of its setting. I conclude that the proposal would preserve the setting of the listed building.
11. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) seeks to protect the intrinsic character of the countryside and includes a list of development types that are considered acceptable. Policy R1 of the Cheshire West and Chester Local Plan (Part Two) sets out the development hierarchy and requires development in the countryside to accord with policy STRAT9.
12. While the proposal does not fall within any of the acceptable forms of development identified, I have found, for the reasons given above, that the proposal would not harm the intrinsic character of the countryside or result in a significant change in the function of the area of land in question. It follows that the conflict with policy STRAT9, and by association policy R1, is therefore outweighed by other material considerations.
13. Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) seeks to deliver high quality development. Policies DM3 and DM21 of the Cheshire West and Chester Local Plan (Part Two) also seek to secure high

quality design and to deliver development that respects the character and visual amenity of the local area and that preserves the character and appearance of the original dwelling. Given my above findings, there would be no conflict with these policies.

Conditions

14. In addition to the standard time limit, a condition specifying the approved plans is necessary as it provides certainty. I have imposed a condition specifying materials as this is necessary to safeguard the character and appearance of the area.

Conclusions

15. For the reasons set out above the appeal is allowed.

M Madge

INSPECTOR