



Appeal Decision

Site visit made on 02 June 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th July 2020

Appeal Ref: APP/A0665/W/19/3241320

The Beeches, Common Lane, Duddon, Chester CW6 0HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Greaves against Cheshire West & Chester Council.
 - The application Ref 19/01154/FUL, is dated 21 March 2019.
 - The development proposed is application to demolish existing stables and replace with garages, office/hobby room and log store.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr M Greaves against Cheshire West & Chester Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council failed to determine the application within the prescribed time limits. However, in its evidence the Council has stated that had it been in a position to determine the application it would have refused permission.

Main Issue

4. From the evidence before me, the main issue in this appeal is the effect of the proposal on the rural character and appearance of countryside.

Reasons

5. The appeal site is an area of managed grassland with a small timber stable building. It is part of a large triangular area of land that includes The Beeches and associated gardens and grass paddocks. External boundaries are formed by dense hedgerows with trees, with internal boundaries formed by low post and rail fences. The appeal site shares the residential access to The Beeches from Well Lane/ Common Lane. The property is some distance from the small settlement of Duddon, in an area of the countryside characterised by farmed land with scattered rural dwellings set in generous mature plots.
6. The proposal would be a substantially large detached building, with ground floor garages and an open-sided log store and first floor offices and a hobby room. It would have a protruding front gable feature, glazed oculus windows in the first floor elevations and rooflights in the front and rear roof slopes. It would be finished in brick, slate and timber.

7. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies Adopted January 2015 (the CWCCLP1) seeks to protect the character and beauty of the countryside including by restricting development to that which requires a countryside location and cannot be accommodated within the identified settlements. Consequently, certain types of development may be permitted in the countryside, including those with an operational need for a countryside location and replacement buildings.
8. The proposal could not reasonably be accommodated within a settlement. However, there is little compelling evidence of an operational need for the proposal in this location. Notwithstanding that The Beeches does not have sufficient garage parking spaces for the large number of vehicles at the property, it does have a garage and there is external parking provision. Furthermore, many people work from home, and pursue hobbies, without the need for significantly large annex buildings.
9. The proposal is described as a replacement building. However, and despite its poor state of repair, the stable building is an unassuming and typical form of rural development. In contrast, the proposal would be a prominent and more overtly domestic building. Furthermore, notwithstanding that the stable structure would be removed, the proposal would be substantially larger, in a different location and it would be conspicuously and materially different to the modest timber stables.
10. Agricultural and rural buildings are characteristic of the countryside. However, notwithstanding the use of traditional building materials, the proposal would not be a traditional rural building. In combination with its extensive driveway and vehicle manoeuvring area and formal path leading to the Beeches, the building would be a domestic form of development.
11. The appeal site does not form part of the domestic garden of The Beeches. However, it is visually, functionally and physically linked to the appeal property. Although there may be no intention to extend the garden, the proposal would be ancillary to the residential occupation of The Beeches and it would increase the footprint of domestic built development at this site. Nevertheless, by virtue of its large size, design and wide separation from the dwelling, the proposal would not relate well to nearby built development. Consequently, it would erode the open rural character of the countryside and it would have an urbanising effect in this location.
12. Moreover, while the low stable building is adjacent to and screened by the roadside hedgerow, the much larger appeal building would be sited away from the boundary. Consequently, it would be a conspicuous and incongruous feature that would not be assimilated into its surroundings. In any case, vegetation is not permanent and it should not be relied upon to screen inappropriate development from view.
13. Therefore, the proposal would harm the rural character and appearance of the countryside. It would conflict with Policies STRAT9 of the CWCCLP1 and Policies DM3 and DM21 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019 (the CWCCLP2). These require, among other things, that the character and beauty of the countryside is protected, that development respects local distinctiveness and is in keeping with the character and appearance of its surroundings. It would also conflict with policies in the National Planning Policy Framework (the

Framework) that require development to be sympathetic to the surrounding built environment and landscape setting.

Other Considerations

14. I appreciate that appellant's desire to site the proposal away from The Beeches. However, there is nothing before me to suggest that The Beeches is a heritage asset such that impacts on its setting would need to be avoided. In this regard, I am not persuaded that there are no alternative solutions, including in terms of design, scale and siting, that would deliver similar benefits without the harm that I have found.
15. The definition of previously developed land (PDL) in the CWCCLP2 differs from that in the Framework and the appellant considers that the Framework definition, which includes land and buildings used for the keeping of horses, should be given more weight. Nevertheless, he has not kept horses and there is no substantive evidence that the structure, which is used for storage purposes, has been used for the keeping of horses. Irrespective of whether or not the timber stable building is PDL, the Framework is clear that it should not be assumed that the whole of the curtilage of the PDL should be developed. Therefore, this is not a matter that weighs in favour of the scheme.
16. My attention has been drawn to Policy HO8 of the Chester District Local Plan and the House Extensions Supplementary Planning Document. These require that ancillary buildings such as garages should limit impacts on adjacent residential amenity. However, although the proposal would not harm the living conditions of residential occupiers, this does not weigh in favour of the scheme.
17. Correspondence between the parties indicates that there was initially some confusion as to whether or not the appeal site is in the Green Belt. Nevertheless, it is clear from Policy STRAT 9 of the CWCCLP1 that, while additional restrictions in accordance with the Framework apply where proposals are in the Green Belt, all development must avoid harm to the countryside. In this case, I have found that the proposal would result in harm, irrespective that it is not in the Green Belt.

Conclusion

18. For the reasons set out above, the proposal would result in conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR