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## Appeal Decisions

Site visit made on 7 July 2020

**by H Butcher BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 July 2020**

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### **Appeal A: APP/R0660/W/20/3248007**

#### **Ollerton Hall and Ollerton End, Potts Lane, Ollerton WA16 8SF**

- 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 & Mrs Murray against Cheshire East Council.
  - The application Ref 19/5157M, is dated 5 November 2019.
  - The development proposed is reconfiguration of two dwellings to create a single dwelling with ancillary accommodation, internal and external restoration and repairs (including windows and doors), minor alterations, single storey 'link' extension, replacement garage, tractor store, re-positioned access, partial demolition, together with associated landscape works.
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### **Appeal B: APP/R0660/Y/20/3248008**

#### **Ollerton Hall and Ollerton End, Potts Lane, Ollerton WA16 8SF**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Mr & Mrs Murray against Cheshire East Council.
  - The application Ref 19/5158M is dated 5 November 2019.
  - The works proposed are reconfiguration of two dwellings to create a single dwelling with ancillary accommodation, internal and external restoration and repairs (including windows and doors), minor alterations, single storey 'link' extension, replacement garage, tractor store, re-positioned access, partial demolition, together with associated landscape works.
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## **Decisions**

1. Appeal A is dismissed, and Appeal B is dismissed.

## **Applications for Costs**

2. Applications for costs were made by Mr and Mrs Murray against Cheshire East Council. These applications are the subject of a separate Decision.

## **Preliminary Matter**

3. Amended plans were submitted with the appeal. However, it is important that what I consider is essentially what was considered by the Local Planning Authority, and on which interested people's views were sought. I have therefore considered the appeal on the basis of the plans which were before the Council when it made its decision.

## **Main Issues**

4. A main issue in both appeals is the effect of the proposed works and development on the special architectural and historic interest, and setting of Ollerton Hall/Ollerton End which is Grade II listed, and linked to that, whether they would preserve or enhance the character or appearance of the School Lane, Ollerton Conservation Area.
5. In Appeal A there are also the following main issues:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the area, and;
  - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *The Listed Building and Conservation Area*

6. Ollerton Hall and Ollerton End are two separate properties which form part of a single Grade II Listed building which dates from circa 1540. Maps supplied with the appellant's heritage statement show that historically the general arrangement of Ollerton Hall (as it was then) was as a single house, with gardens to the rear, and an access, courtyard and outbuilding(s) to the south of the property. Historically these outbuildings would have been used for horses, carts and agriculture and part of the significance of the appeal building is derived from it being a high-status house served by ancillary structures.
7. The appeal site also lies within the School Lane, Ollerton Conservation Area (CA) which encompasses Ollerton; a small hamlet surrounded by agricultural fields. Ollerton Hall/Ollerton End address the junction of Hall/Potts Lane and School Lane in Ollerton and the size and prominent positioning of the building, along with its obvious age, means it makes a valuable contribution to the significance of the CA.
8. The proposal is to convert the property back into a single dwelling along with other works. Part of these works include a glass extension across the courtyard to link the house to a coach house. Whilst visually it might retain the legibility of the courtyard, in practice it would physically sever it in two, and would disrupt its historic use as an ancillary, working yard, which remains in evidence today. The experience of moving through the courtyard as an open area between the house and outbuildings would also be lost as you would not be able to do this other than in a very contrived and restricted way either through the extension, or by approaching either side of the extension whereupon your route through the courtyard would be blocked.
9. In addition to this, the demolition of the stables in the courtyard, and a high brick wall which separates the courtyard from the rear garden to which the stables are connected, is proposed. The stables might no longer be considered

functional but dating from the late 19<sup>th</sup> Century they contribute to the historic interest of the property being an ancillary structure to the main house set within this historic courtyard. The wall also has interest historically as it informs the legibility of the site providing separation between the functional and ancillary nature of the courtyard and the domestic rear garden. The loss of both the stables and the wall would therefore be harmful to the special architectural and historic interest of the listed building.

10. The proposals also include substantial changes to the parking and access arrangements at the appeal property. As set out above, historically, the access and ancillary buildings serving the property were to the south set within a courtyard, with the domestic garden to the rear. However, by 1965 the property had been subdivided which latterly led to a separate garden and a small flat roof garage being created to the north. There is little substantive evidence in respect of a more historic access here.
11. The proposals include replacing this existing flat roof garage with a much larger, four bay, pitched roof garage along with a separate parking area and sweeping access drive. This would take up a substantial part of the rear of the property where historically the garden has been, thereby leading to a further marked change in the historic layout of the property externally as well as harm to the setting of the listed building. In addition to this it would also increase the prominence of the rear elevation and downgrade the importance of the front as the main point of arrival to the building, which would be contrary to its historic layout.
12. A small extension is proposed to the playroom. This would result in the loss of historic fabric which, whilst later in date than some parts of the property, nevertheless still holds significance in terms of the historic evolution of the building over the years.
13. Various works to the windows in the property, of which there are many, are also proposed including micro double glazing and secondary glazing. This would lead to a loss of historic glass and with it a significant proportion of the architectural and historic interest of the property. An effect to give the appearance of historic glass is suggested by the appellant but this would not adequately mitigate this loss.
14. Bringing these points together the proposal would cause harm to the special architectural and historic interest of Ollerton Hall/Ollerton End, and its setting. The coach house and entrance to the yard is visible from the front of the property within the CA, as is the part of the property where the glass extension would project from. The new garaging and entrance drive would also be visible from within the CA. It follows therefore that the proposal would also neither preserve nor enhance the character or appearance of the CA.
15. In addition to the above the proposal would also conflict with Policies SE1, SE7 and SE4 of the Cheshire East Local Plan Strategy (LP) and BE2, BE15 and BE18 of the Macclesfield Borough Local Plan which seeks to protect the historic environment. The harm I have found would be 'less than substantial' given the scale and impact of the proposals. As per para 196 of the Framework this harm should be weighed against the public benefits of the proposal.
16. The appellant argues that the proposal would secure the future use of the building as a family home. However, the property could be modified to create a

more modern family home without resulting in the harm I have identified. Similarly, sympathetic repairs to the property, improvements in landscaping, the general restoration of the building and its return to a single dwelling, all of which are benefits, could be achieved without resulting in harm.

17. It has been put to me that the ad hoc parking which currently occurs to the front of the property would be lessened by the proposal resulting in an improvement to the appearance of the CA. However, the appellant states that there is to be a reduction in overall parking and driveway provision as part of the proposal. In any event, even with potentially improved parking and access, this would not necessarily eliminate any future ad hoc parking to the front of the property.
18. In light of my findings above the weight to be attached to these public benefits is not sufficient to justify the harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise. This is sufficient on its own to warrant the dismissal of both appeals.

#### *Green Belt*

19. The Framework sets out that the construction of new buildings in the Green Belt is inappropriate. This is subject to a number of exceptions which include buildings for agriculture and forestry, the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. PG3 of the LP is consistent with this approach.
20. The proposal includes the erection of a tractor store which would be a new building on what is currently undeveloped land. Its distance from the main dwelling is such that it could not reasonably be called an extension or alteration and it does not replace an existing structure. Although named a 'tractor store', on the evidence before me, there is nothing to suggest it would be used purely for agriculture but rather for the upkeep of the appellant's garden and land. I therefore find that the proposed tractor store represents inappropriate development in the Green Belt and as such the proposal conflicts with the Framework and Policy PG3 of the LP. Whether or not the tractor store would fall within the residential curtilage of the property does not alter my finding in this respect, nor that the building might be concealed from public view.

#### *Openness*

21. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to prevent urban sprawl by keeping land permanently open. The proposal would introduce a building, namely the tractor store, onto an area of open, undeveloped land where there is presently not one which would inevitably lead to a loss of openness, thereby resulting in harm to the openness of the Green Belt.

#### *Character and Appearance*

22. The proposed tractor store is to be sited on an area of land that has the appearance of an open, green field beyond the more domestic rear garden of the property and this fits with the agricultural setting in which the hamlet is experienced. Although described as a tractor store, what is proposed is not the type of functional agricultural building you might expect for such a use, but

instead has a much more domestic appearance. Consequently, its siting so far from the main property, where you might expect such a building to be located, would appear incongruous and out of place, and would unacceptably domesticate what is an otherwise undeveloped area.

23. Whilst it might be partially screened by native trees and largely only visible in private views from the appeal property, it would, nevertheless, be harmful to the character and appearance of the area contrary to Policies SE4, SD1 and SD2 of the LP which, amongst other things, seek to protect the natural landscape.

### **Conclusion**

24. I have found that the proposal would cause harm to the special architectural and historic interest of Ollerton Hall/Ollerton End and its setting, and would fail to preserve or enhance the character or appearance of the CA. Such harm must be given considerable importance and weight. My conclusion in this regard is sufficient on its own to dismiss both appeals.
25. Furthermore, in Appeal A I have also found that the proposal would be inappropriate development in the Green Belt and would have an adverse impact on openness. Substantial weight should be given to harm to the Green Belt alongside the other harm I have found to heritage assets which itself must be given considerable importance and weight, and the harm to the character and appearance of the area. These harms are not clearly outweighed by other considerations put forward by the appellant, which have been considered in this decision, such that very special circumstances have been demonstrated. This adds weight to my primary conclusion above.
26. The appeals are therefore dismissed.

*Hayley Butcher*

INSPECTOR