The Planning Inspectorate

# Appeal Decision

Site visit made on 20 July 2020

**by D Hartley BA (Hons) MTP MBA MRTPI**

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

**Decision date: 28th July 2020**

**Appeal Ref: APP/R0660/W/20/3252385**
**Oakville, Back Lane, Spurstow CW6 9TE**

- 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 & Mrs D Mayers against the decision of Cheshire East Council.
- The application Ref 19/5656N, dated 29 November 2019, was refused by notice dated 17 April 2020.
- The development proposed is the conversion of an agricultural barn to provide a single residential dwelling.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether proposal amounts to a re-use of a rural building and to this extent whether it complies with saved Policy NE16 of the Borough of Crewe and Nantwich Replacement Local Plan 2005 (LP) and Policy PG6 of the Cheshire East Local Plan Strategy 2017 (CELPS) and, if not, whether there are any identified other material considerations to outweigh any such conflict.

## Reasons

3. The appeal building, falling within the Open Countryside, is a timber framed building with an upper floor. It has some blockwork/timber to part of the ground floor elevation, although much of the ground floor is open exposing the timber stanchions. The main elevations are metal clad as is the roof. There are single storey lean-to elements to the building.

4. The planning application has been submitted on the basis of it being a conversion and therefore I have determined it as such against saved policy NE16 of the LP and policy PG6 of the CELPS. The former policy states that in terms of adapting and using rural buildings for residential use that *'all'* criteria in the policy should be met including that the *'building is of permanent, substantial and sound construction and, if it is in the open countryside, is proposed for re-use without major or complete reconstruction'*. The latter policy states that exceptional development in the Open Countryside includes *'the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, re-building or extension'.*

5. It is proposed to remove the single storey lean-to extensions and to replace them with other new additions to the building. There would also be substantial infilling of the open bays at lower level. As a matter of fact and degree, I consider that these proposals amount to extensive alteration, extension and re-building works. When these aspects of the development are considered as a whole, it means that the proposal goes beyond the re-use of an existing rural building. In this regard, I therefore conclude that the development would not accord with policy NE16 of the LP and policy PG6 of the CELPS. This is a matter to which I afford significant weight.

6. The appellant contends that the proposal should be allowed as demolition of the existing lean-to / side extensions would be replaced with new additions that would be smaller, and hence that there would be a net reduction in the footprint and volume of building on the site. However, the aforementioned policies do not permit the re-use of buildings on this basis. In effect, the proposal amounts to the erection of a new building and not a conversion and I have not been made aware of any development plan policies which would support such development in this Open Countryside location. Neither the net reduction in the footprint and volume of building on the site, nor the support for the proposal from the occupiers of neighbouring properties, outweighs the identified conflict with policies.

7. I do not disagree with the main parties that the proposal would be acceptable in terms of its design. However, this does not overcome or outweigh the clear conflict that I have found with policy NE16 and PG6. Furthermore, I do not doubt that the Council has allowed the conversion/re-use of other rural buildings in the area, as briefly outlined by the appellants in their statement. However, I have not been provided with the exact details relating to such approved development and, in any event, I have determined this appeal on its individual planning merits.

8. I therefore conclude that the appeal should be dismissed.

*D Hartley*

INSPECTOR