



Appeal Decision

Site visit made on 29 September 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/A0665/W/20/3254309

Land at Withy Bank, Old Coach Road, Broxton, Chester.

- 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 John and Joan Siddorn against the decision of Cheshire West & Chester Council.
 - The application Ref 20/00246/FUL, dated 22 January 2020, was refused by notice dated 26 May 2020.
 - The development proposed is conversion of a steel portal framed barn into a three-bedroomed residential dwelling with associated curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether this site is an appropriate location for residential development with regards to development plan policy.

Reasons

3. The appeal site consists of a barn and associated enclosures. The site is not in a defined settlement, and is considered to be within the countryside for the purposes of the development plan. Although there are a number of residential properties in the vicinity these have the character of sporadic development in the countryside.
4. Policy DM22 of the Council's Detailed Policies¹ is supportive of the change of use of buildings in the countryside to dwellinghouses provided they meet a number of criteria. The second of these requires that the building is of permanent and substantial construction and it is suitable for and capable of conversion to residential use without major or complete reconstruction, amongst other things.
5. The appellants have submitted a survey² in respect of the suitability of the building for conversion. This states that the building is a steel portal framed barn clad in various materials. However, the survey also states that no investigations have been made in respect of the conditions of the subsoil and foundations and the ability of the same to support the building. It also emphasises that further checks will be required to ensure that the structural

¹ Local Plan (Part 2) Land Allocations and Detailed Policies

² Suitability for Conversion Survey - Withy Bank, Broxton Ref: 124700

frame can support the loads of any new materials required as part of the conversion as well as further foundation checks. On that basis, it has not been demonstrated that the building is capable of conversion to residential use without major or complete reconstruction. Even if a significant extent of the external materials will be retained, this in itself does not confirm that the building is capable of conversion. The proposal would therefore not comply with the second criterion of policy DM22.

6. The fourth criterion is whether the development would lead to an enhancement of its immediate setting. The barn is set within an enclosed site and is adjacent to an existing residential property. That said, as a result of the topography of the area, the relationship with residential development to the south was not as apparent as contended by the appellants. The barn and associated land are of an understated agricultural character which is representative of this area of countryside. The proposal would result in changes to the appearance and use of the land, including an area of hardstanding for the parking of vehicles and a garden which would be likely to include associated domestic paraphernalia. Due to the change in the character of the site, the proposal would appear as the encroachment of residential development into this area of countryside, with resultant harm to the character and appearance of the setting of the building, rather than an enhancement. The proposal would therefore conflict with the fourth criterion of policy DM22.
7. With regards to the other elements of policy DM22, the first criterion is that the building is currently redundant or disused. The Council accept that the building is redundant, and based on the evidence before me I see no reason to disagree.
8. The third criterion is that the existing building does not have a harmful visual impact which would be perpetuated by its retention. The building is visible from a number of viewpoints, including from the highway which passes the site. That said, although the building is of a utilitarian appearance, it is of a form which is not unusual in the countryside. It is also of a limited scale and does not appear as an obtrusive or unduly prominent feature within the landscape. Whilst the appearance of the building may be starting to deteriorate due to its age and construction, this would be addressed by bringing the building into a productive use. On balance, I consider that the building is of a broadly neutral visual effect and its retention would not have a harmful visual impact.
9. The fifth criterion is that the proposal should not be in conflict with existing uses in the locality. There are a number of residential properties in the area, and the proposal would not conflict with these or the agricultural use of nearby fields.
10. Drawing the above together, I conclude that the proposal would not meet the second and fourth criteria of Policy DM22 and would therefore conflict with the policy as a whole. The proposal would also conflict with policies Strat1, Strat2 and Strat9 of the Council's Strategic Policies³ with regards to the sustainable location of housing in appropriate settlements. Due to the identified harm to the character and appearance of this rural area, the proposal would conflict with policy RC1 of the Broxton and District Neighbourhood Plan 2016 in respect of landscape character.

³ Local Plan (Part 1) Strategic Policies

11. I find no conflict with policy RC4 of the Neighbourhood Plan as the proposal relates to the retention of a building of an agricultural character which is representative of this rural area. However, this does not lead me to a different conclusion in respect of conflict with the development plan when read as a whole.

Other Matters

12. The appellants contend that apart from the proposed curtilage size, the proposal would sit squarely within the criteria for a Class Q conversion. However, for the reasons stated previously with regards to the lack of substantive evidence on structural elements of the proposal, it has not been demonstrated that the existing building is suitable for conversion to residential use without rebuilding work which would go beyond what is reasonably necessary for conversion. On that basis, it has not been demonstrated that this permitted development right could apply and this matter does not therefore weigh in favour of the appeal.
13. I have also had regard to the appeal decisions referred to by the appellants. However, the *Northwood* appeal decision states that the existing building should be structurally strong enough to take the loading which comes with the external works to provide for residential use. The *Bewdley* decision also refers to the findings of a structural survey and subsequent clarification that works would not cause structural issues. This has not been demonstrated in the appeal before me. The *Clavering* decision was made with reference to a fallback scheme which had determined that prior approval for conversion was not required, which does not reflect the circumstances in the current appeal. None of these decisions raise matters which lead me to a different conclusion on the capability of the appeal building for conversion to residential use.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR