



Appeal Decision

Site visit made on 5 January 2021

by **David M H Rose BA(Hons) MRTPI**

Decision date: 12 January 2021

Appeal Ref: APP/R0660/W/20/3259231

Land at Ascol Drive, Plumley, Knutsford, WA16 0UD

- 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 PPAK Ltd against the decision of Cheshire East Council.
 - The application Reference 19/4085M, dated 27 August 2019, was refused by notice dated 6 May 2020.
 - The development proposed is described as 'Change of use from class B8 (storage or distribution) to class C3 (dwellinghouses), to create 8no. townhouse dwelling inside the existing structural envelope of Ascol Mill, consisting of 6no. 3 bed units and 2no. 5 bed live/work units'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
 - 2) the effect on heritage assets;
 - 3) the effect on highway safety, having particular regard to the junction of Ascol Drive with A556, and the accessibility of the site;
 - 4) the effect on the natural environment;
 - 5) the provision of affordable housing;
 - 6) the living conditions of future residents; and
 - 7) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

3. Ascol Mill, a substantial brick structure with large buttresses under a double pitched roof, is the sole remaining building associated with a former soda ash and calcium nitrate works. The proposal is to insert a stand-alone internal structure under a flat roof which would rise no higher than the apex of the retained gable walls.

4. Policy PG 3 of the Cheshire East Local Plan Strategy (CELPs) confirms that within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy.
5. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 of the Framework set out those forms of development which are not inappropriate.
6. The question arises as to whether the proposal amounts to the construction of a new building and redevelopment of previously developed land (paragraph 145 g)) or the re-use of an existing building (paragraph 146 d)).
7. In the case of the former, the test of inappropriateness is whether the development would have a greater impact on the openness of the Green Belt than the existing development. For the latter, it is a matter of whether the project would preserve its openness and not conflict with the purposes of including land within a Green Belt.
8. For its part, the Council points out that the erection of an independent building, within an existing building, amounts to the construction of a new building rather than the re-use of an existing building. The appellant takes a contrary view and claims that the proposal is a re-use of an existing substantial building.
9. Applying the tests of both paragraphs 145 g) and 146 d), the critical point is the consideration of the effect of the proposal on openness. In my opinion, although the footprint of the building would remain unchanged, the addition of a third floor, substantially over the entire length of the building, rising above the existing eaves (albeit substantially set back) and infilling between the retained gable walls, would add to the bulk and perceived height of the building and a consequential loss of openness.
10. Set against this would be the comings and goings and parking of a range of vehicles, and perhaps incidental outside storage, should the site continue in commercial use, and the related effects on openness. However, in my opinion, such transient activity would not offset the increased scale of development which is intended to be permanent (in the sense of the anticipated life span of a building) and its effect on openness.
11. Therefore, in the case of paragraph 145 g), the proposal would have a greater impact on openness than the existing development. Alternatively, applying paragraph 146 d), the proposal would not preserve the openness of the Green Belt. On either basis, even though the building is surrounded by trees, and the effect on openness would in any event be relatively limited, the proposed scheme would be inappropriate development in the Green Belt.

Heritage considerations

12. The appeal site, with the exception of the building, sits within a Scheduled Monument covering the known surviving remains of the former ash and calcium nitrate works which saw war-time use as an ammonia soda works. Ascol Mill, a related rare survival of a munitions warehouse, is a non-designated heritage asset. The site may also have archaeological interest. It is further noted that Historic England has declined to include the building on the National Heritage List for England.

13. Policy SE 7 3 of the CELPS indicates that: *'The council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets by requiring that the impact of a proposal on the significance of a non-designated heritage asset should be properly considered'* Saved Policies BE22 and BE23 of the Macclesfield Borough Local Plan are also relevant.
14. In turn, paragraph 189 of the Framework indicates that: *'..... local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'¹.*
15. Although the appellant submitted a Design and Access Statement (with supporting statements), which included a history of the site, conservation advice, design evolution and evaluation, there was no explicit analysis in the form called for by the development plan or the Framework.
16. For my part, from the limited evidence before me, I recognise that the significance of the building is clearly founded in its historical use and its robust built form and simple detailing. As the sole remaining building of once extensive works, it is a focal element in the understanding and interpretation of the surrounding Scheduled Monument.
17. The desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation, is a key consideration. In this regard, I note that the Council has indicated that the re-use of the building for residential purposes would in principle be acceptable.
18. As to the design, whilst the insertion of new openings, in one way or another, in the north and south elevations is likely to be a consequence of any residential led scheme, the proposed alterations to the roof are a particularly contentious element.
19. In my view, the overall arrangement would mar the distinct gabled roof form and, with extensive glazing and glazed balconies, erode the building's austere industrial character and architectural integrity. This would, in turn, undermine the contribution that Ascol Mill, in terms of setting, makes to the significance of the Scheduled Monument.
20. Specifically, in relation to Ascol Mill, the effect of the development on the significance of the non-designated heritage asset is a material consideration which calls for a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. In my opinion, the proposal, as presented and without a clear assessment of the effect on significance, would cause demonstrable harm to a building of considerable importance and interest, notwithstanding its non-designated status.
21. In terms of the harm to the significance of the Scheduled Monument, I am satisfied that this would be less than substantial. This falls to be weighed against any public benefits of the proposal including, where appropriate, securing the building's optimum viable use.

¹ Annex 2 Glossary: Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

22. In this regard, consideration of public benefits in the broadest sense would include, amongst others: a future viable use for Ascol Mill; employment during conversion; economic benefits for the wider community; a mix of new housing; and a wildlife pond. One must also take account of likely ongoing disrepair and dereliction without intervention which could ultimately lead to the total loss of the building.
23. However, in my opinion, the nature of the alterations would compromise the authenticity of the building and its contribution to the understanding and significance of the designated heritage asset. As a matter of balance, I find that the benefits would be insufficient to outweigh the harm to the significance of the Scheduled Monument and the proposal would be in conflict with relevant policies in the development plan and the Framework.

Highway considerations

24. Ascol Drive joins a section of the A556 which is laid out with twin lanes in each direction separated by continuous double white line markings. The main road is subject to a 60mph speed limit. Right turn manoeuvres into and out of Ascol Drive are precluded by prohibitive signs. Although visibility from the minor road is good, an emerging vehicle from the give way position would, without an acceleration lane, be a potential hazard to fast moving traffic. In addition, vehicles slowing to turn into Ascol Drive could present a hazard to following vehicles.
25. Nonetheless, Ascol Drive currently serves some twenty long established dwellings, a small garden centre and the appeal site. Although the latter is, seemingly, currently disused, the resumption of a B8 use could be expected to involve the operation of commercial vehicles. Given the totality of these movements, I consider that the traffic generated by eight new dwellings (two of which are proposed to be live/work units), and the displacement of generally slower vehicles associated with a B8 use, would not have an unacceptable impact on highway safety.
26. Irrespective of the claim that there is a huge opportunity for walking from the site, the reality is that Ascol Mill is remote from local services, facilities and public transport. In addition, Ascol Drive, beyond the existing residential properties, lacks a footway and walking alongside or cycling on the A556 would not be an appealing proposition.
27. Whilst surrounding routes might be attractive for recreation, the majority of daily journeys to and from the site would be car based. This would be at odds with the objectives of promoting sustainable transport in accordance with CELPS Policy CO 1 and the Framework.

The natural environment

28. The appeal building sits within the Plumley Lime Beds Site of Special Scientific Interest (SSSI) and within woodland recorded on the National Forest Inventory and the Priority Habitat Inventory for deciduous woodland.
29. I note that the application was accompanied by an extensive Ecological Survey and Assessment, which concluded that the building could be converted '*..... with no significant direct or indirect adverse effect on designated sites for nature conservation and ecologically valuable habitats*'.

30. However, operations to facilitate the proposed change of use would involve some limited tree works and clearance, drainage, and the formation of passing places, pathways and communal amenity areas, albeit it is said that such works would be the minimum required to enable the residential use of the site. The limitations on providing directly accessible and private amenity space for the proposed residential units could also lead to increased public access into the woodland for children at play and general recreation with resultant impacts on the integrity of the woodland, its habitats and flora.
31. Whilst the intended works are claimed to be superficial and outside the areas of protection, such works need to be clearly identified and any potential impacts need to be assessed. Although the Council, at application stage, advised that further information, including an up-dated bat survey, was required, such details remained outstanding.
32. I recognise that in order to bring the building back into use, as proposed, some degree of preliminary 'management' of the site would be required. However, the habitats to be found here are irreplaceable and CELPS Policies SE 3 and SE 5, and the Framework, aim to achieve a positive contribution to the conservation and enhancement of biodiversity. Overall, the proposal, as submitted, would not fulfil this objective.
33. Additionally, although it is said that details could be secured by a pre-commencement condition, the Framework is clear that development on land within or outside a SSSI, and which is likely to have an adverse effect on it, should not normally be permitted.

Affordable housing

34. In accordance with CELPS Policy SC 5ii (housing developments in excess of 1,000 sq.m gross floorspace) the Council indicates that two of the eight units should be affordable. The policy provides that, in exceptional circumstances, where it can be proven that on-site delivery is not possible, and where off-site provision cannot be made, a financial contribution may be accepted.
35. In this instance a Unilateral Undertaking sets out a financial contribution of £100,000 towards the provision of two affordable dwellings. The claimed justification is that *'the size of the dwellings is very much governed by the external structure and therefore this is not the option of providing affordable dwellings here'*.
36. However, the absence of on-site provision is not supported by any assessment of viability and it appears to contradict the identified need for, amongst others, four no. 3-bedroomed dwellings in the locality. Further, there is nothing to substantiate the sum offered. Whilst affordable housing provision, in the manner set out in the development plan, is necessary to make the development acceptable in planning terms, the Undertaking as a response to the policy is a factor of very little weight.

Living conditions

37. It has to be recognised that if an acceptable scheme of residential re-use is to be secured, a degree of compromise in the provision of adequate internal light and outdoor living space, will be required in order to meet other objectives. The task is made the more difficult with the surrounding dense woodland and one principal elevation having a northerly aspect.

38. That said, I believe that the measures proposed by the appellant, in terms of seeking to maximise natural light and balcony amenity space, are, in principle, an imaginative response to the constraints imposed by the building and its surroundings. On this basis, conflict with CELPS Policy SE 1 and the Cheshire East Council Design Guide would be outweighed by the particular circumstances of the proposal.

The overall balance

39. Drawing together my findings on the main issues, I have found the proposal to be inappropriate development which is by definition harmful to the Green Belt.
40. In addition, further harm would arise in relation to the impact on heritage assets to which I attach great weight having regard to the considerable loss of significance to the non-designated heritage asset and its contribution to the significance of the Scheduled Monument.
41. I give very little weight to the highway considerations, in that the proposal would not, on balance, have an unacceptable impact on highway safety. Whilst the residential units would be heavily dependent on the use of the private car, this would be an inevitable consequence of any residential scheme aimed at securing the future re-use of the building.
42. Impacts on the natural environment, primarily through the lack of detailed up-to-date information, are a negative factor of considerable importance. I also consider that the seemingly superficial response to the provision of affordable housing would be in conflict with development plan policy and weigh heavily against the project. I am satisfied that the consideration of living conditions is neutral.
43. Set against the harm, I have taken account of the other considerations referred to in the grounds of appeal and outlined with particular reference to paragraph 22 above. I have also considered the claim that as the CELPS was adopted before the current version of the Framework it is effectively out-of-date. However, the policies which are most important to the consideration of the main issues in this appeal reflect corresponding policies in the Framework and are not considered to be out-of-date.
44. In conclusion, I do not find the other considerations, either individually or in combination, to be sufficient to clearly outweigh the other harms so as to amount to the very special circumstances required to justify the proposal.
45. It follows that the proposal would be in conflict with the development plan policies already identified and also with the overarching Sustainable Development Principles set out in CELPS Policy SD 2. There would also be fundamental inconsistency with the Framework when considered as a whole.
46. Accordingly, the appeal is dismissed.

David MH Rose

Inspector