



Appeal Decision

Site visit made on 6 January 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/A0665/W/20/3252626

Mill Brook Farm Barn, Ince Lane, Wimbolds Trafford, Chester CH2 4JP

- 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 and Mrs Mike Harley against the decision of Cheshire West & Chester Council.
 - The application Ref 19/03664/FUL, dated 2 October 2019, was refused by notice dated 1 April 2020.
 - The development proposed is described as "proposed residential development proposed at Mill Brook Farm for the conversion of the farm building to five residential units".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether the proposal is inappropriate development in the Green Belt;
 - ii. The effect of the proposal on the character and appearance of the area;
 - iii. Whether the proposal would be in a suitable location with regards to access to services or facilities; and
 - iv. If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. Policy STRAT9 of the Cheshire West and Chester Local Plan Part 1 (LP1) and Policy DM22 of the Cheshire West and Chester Local Plan Part 2 (LP2) relate to development within the Green Belt and requires proposals to meet criteria set out in national planning policy. The National Planning Policy Framework (the Framework) identifies that Council's should regard the construction of new buildings as inappropriate in Green Belt, unless the development falls within the exceptions list detailed in paragraph 145. One of the exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

4. The appellant confirms in their statement of case that the building proposed to be converted into residential accommodation is an agricultural building. The Framework defines what is classed as previously developed land which specifically excludes land that is or was last occupied by agricultural buildings. The proposal would therefore not be the partial or complete redevelopment of previously developed site.
5. Visual impact forms part of the concept of openness of the Green Belt and the existing building is visible from the main road to the east. The existing building is of typical modern agricultural construction being of predominantly metal sheet construction with one large opening to allow access. The introduction of domestic windows and doors, as well as grey slate roofing and timber cladding onto a utilitarian style building would be a stark contrast to the existing residential properties in the area. The proposed limits of the curtilage of the site including garden areas and formal parking would differ greatly from the existing arrangement. Residential properties would be lit at night, with light emitting from windows. Domestic items stored on the site would be visible, such as garden structures, clothes drying and play equipment. All these factors would have an inevitable visual impact on the Green Belt when compared to the existing circumstances. The nature of residential properties, in comparison with the existing use, would have a more intense visual impact on the openness of the area. Therefore, in visual terms the proposal, would have a greater impact on the openness of the Green Belt than the existing development.
6. Accordingly, I find that the proposal would not be the partial or complete redevelopment of previously developed site and would have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore inappropriate development in the Green Belt, and as such conflicts with Policy STRAT9 of LP1, Policy DM22 of the LP2 and the Framework which seeks to safeguard Green Belt from inappropriate development.

Character and appearance

7. The immediate area to the appeal site is primarily rural in character with fields surrounding the site. Whilst there are some residential properties adjacent to the site, the appeal site is clearly separate being an agricultural type of building.
8. As stated above, the introduction of domestic style fenestration to a modern agricultural type building with the inclusion of slate and timber cladding materials would be out of keeping with other buildings in the area and would appear discordant. Details such as the introduction of garden areas, the proposed parking area and domestic paraphernalia associated with residential uses would have a detrimental effect on the character of the area and result in a domestication of the rural site.
9. The proposal would be the conversion of an existing building which has been described as being redundant. However, the proposed alterations to the building would be significant, detracting from the appearance of the existing structure and adversely affecting the surrounding rural character.
10. The proposal and associated works would be incongruous features and would have a harmful effect on the character and appearance of the area. The proposal fails to comply with Policy STRAT9 of LP1, Policy DM22 of the LP2 and

the Framework which seeks proposals to protect the intrinsic character and beauty of the Cheshire countryside and not have a detrimental impact on the appearance and character of the original building or surrounding area.

Location

11. The appeal site is located within rural countryside and is detached from any main settlements which have services and facilities. The adopted highway to the site is narrow and does not have footpaths or lighting and therefore accessing the site is not desirable by walking or cycling. There is no evidence before me to suggest that there are any frequent public transport links near to the appeal site. It is most likely that the proposed residential units would be accessed primarily by the use of private motor vehicles and therefore the proposal does not encourage the use of public transport.
12. Whilst the proposal would be the re-use of an existing building, I have also found that the proposed alterations would be inappropriate development in the Green Belt and not be appropriate to the character and appearance of the surrounding area. The small benefits of the proposal being a conversion of an existing building would not be outweighed by the reliance on private motor vehicles, the harmful effect the development would have on the Green Belt and on the character and appearance of the immediate area.
13. The proposal would not be in a suitable location with regards to services and facilities. The proposal would be contrary to Policies STRAT8, STRAT9 and STRAT10 of the LP1, Policy DM22 of the LP2 and the Framework which seeks development in rural areas to support local needs in the most accessible and sustainable locations and minimise the need for travel.

Other considerations

14. The proposal would lead to investment during construction, as well as additional spending in the local area and income to the Council through the New Homes Bonus and Council Tax. These matters are benefits of the scheme however, given the scale of the proposal I attach only minimal weight to them.
15. I have had regard to the appellants statement of case and reference to the Planning Practice Guidance and other Policies of LP1 and LP2 including Policies DM3, DM19, DM21, DM24, DM25 and R1. Insufficient information has been submitted with regards to these Policies and therefore I cannot consider whether the proposals are in accordance with them. Nevertheless, the proposals compliance with other Policies in the LP1 and LP2 would not alter my findings above and the failure to comply with Policies STRAT8, STRAT9 and STRAT10 of the LP1 and Policy DM22 of the LP2 as well as the Framework.
16. My attention has been brought to a number of other schemes and appeal decisions, including Picton Gorse Farm, Firwood Farm, Woodhouse, Woodside Farm, The Moss, building adjacent Beechfield, Willow Green Farm, Warwick Barn, Barn at Haughton Farm, Drakelow Gorse Farm and Pool Head Farm. I have not been provided with full details of these schemes and so cannot be sure that the proposal is directly comparable to these other schemes particularly with regards to location. In any case, I have determined the appeal on its own merits.

Conclusions

17. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, the scheme would also have a harmful effect on the character and appearance of the area and would not be in a suitable location. The proposal would support the local economy in various ways which are benefits. However, I do not consider that these benefits would clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
18. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR