



Appeal Decision

Site visit made on 9 March 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/A0665/W/20/3264271

**Land adjacent to Hill House Farm, The Hall Lane, Rushton, Tarporley
CW6 9AU**

- 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 Rayner against the decision of Cheshire West & Chester Council.
 - The application Ref 20/00885/FUL, dated 5 March 2020, was refused by notice dated 26 June 2020.
 - The development proposed is an additional holiday unit at Land Adjacent Hill House Farm. It is proposed to construct the unit on a brownfield car park area between the extant holiday let and the farm buildings.
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Decision

1. The appeal is allowed and planning permission is granted for a holiday unit at land adjacent to Hill House Farm, The Hall Lane, Rushton, Tarporley CW6 9AU, in accordance with the terms of application 20/00885/FUL, dated 5 March 2020 subject to the conditions set out in a schedule attached to this decision.

Preliminary Matter

2. The description in the banner heading above is taken from the planning application form. For clarity, I have removed those elements that don't refer to acts of development in my decision. It does not change the proposal for which planning permission was originally sought.

Main Issues

3. The main issues are whether or not the proposed development is sustainably located and its effect on the character and appearance of the locality.

Reasons

Locations for development

4. The site is a former parking area of loose gravel within a cluster of buildings straddling The Hall Lane. It lies within an area of countryside as defined by the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1). Policies STRAT1 and STRAT2 of the LP1 seek to direct development to within designated settlement areas as sustainable locations providing services and facilities where travel requirements can be minimised. Policy STRAT8 provides for local needs development in the most sustainable rural locations and STRAT9 restricts development to identified settlements unless the development requires a countryside location.

5. Policy DM9 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2), states that proposals for visitor accommodation will be supported where they meet the requirements of Policy ECON3 of LP1 and, for countryside locations, Policy STRAT9 subject to proposals utilising existing buildings.
6. Policy ECON3 states that expansion of existing tourism assets or the creation of new tourism opportunities will be supported where this would enhance the existing tourism offer and benefit the local economy. It also requires that in the countryside proposals are of a suitable scale and type and protect the character of the countryside. The policy reflects the aim of Paragraph 83 of the National Planning Policy Framework (the Framework) in supporting a prosperous rural economy through the sustainable growth and expansion of all types of business in rural areas. This includes rural tourism and leisure developments, both through conversion of existing buildings and well-designed new buildings.
7. Although the proposed cabin would be located at some distance from the settlements of Tarporley and Eaton, it would be within walking or cycling distance of those villages. Alongside the propensity for a more leisurely pace of living during holiday periods, the quality of the local landscape, surrounding rural lanes and opportunities provided by the network of footpaths, would offer some incentive to those choosing to holiday in a countryside setting to utilise those routes as alternatives to travel by private vehicle.
8. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Despite a substantial absence of public transport options in the locality, the limited scale of development would be unlikely to generate a high number of daily trips. Additionally, where travel necessity arises, it is unlikely that these would be to any significantly greater extent to those generated by rural vacation opportunities provided in small settlements elsewhere. For the family or group vacations which would be served by the nature of the accommodation proposed, it would not be wholly realistic to anticipate private vehicle trips would not occur to access wider places of interest.
9. In this respect, I note that the site is in a location close to the regional attraction of Oulton Park racetrack and other rural destinations including Beeston Castle and local golf courses. As such it would be well placed for visits to those destinations.
10. Furthermore, the proposed siting would complement the existing facilities at Hill House Farm and would contribute to the expansion of an established enterprise set within a rural location. According to evidence provided by the appellant, which demonstrates support from local businesses and organisations concerned with marketing Cheshire as a destination, this would meet an identified demand and inevitably provide wider economic benefits in the area.
11. Whilst I acknowledge a recent appeal decision referred to me by the Council relating to a holiday cabin elsewhere, it is unclear whether that proposal was a new enterprise or within accessible distance to services or visitor attractions. I am therefore unable to draw comparisons or otherwise to the case before me, a case I have considered on its own merits. I also acknowledge that since the Council's decision, an existing building at Hill house Farm has received the benefit of planning permission for conversion to residential use which may have met the policy preference for the re-use of existing buildings to provide visitor

accommodation. However, there is little evidence before me that to indicate that the proposal could be achieved through the use of that, or any other building, present on the site.

12. For the above reasons, I find that the siting of the cabin would provide reasonable access to services and facilities in nearby settlements and the location would limit travel need to local tourism and leisure sites close by. In the context of an established business providing rural tourism opportunities, it would thereby align with the aims of Policies STRAT1, STRAT2, STRAT8 and STRAT9 of the LP1, Policies R1, DM7 and DM9 of the LP2 and the Framework as they seek to direct development to sustainable locations providing accessibility to facilities and services and limit travel requirements.

Character and appearance

13. The site is an area of hardstanding lying to the north of The Hall Lane. It lies between a small yard area accommodating a portal framed store on one side, and a timber clad building used as holiday accommodation on the other. Alongside other buildings associated with Hill House Farm and Boothouse Farm, the buildings form a cluster of development either side of the rural road. The site lies on a rise in an open landscape of mainly grazing fields bordered by hedges and intermittent trees. These are interspersed with farmsteads and individual buildings.
14. The proposed design of the chalet would substantially reflect that of the existing accommodation building on the adjacent site. It would have limited overall height and be finished in materials that are not uncommon in the locality. Although it would not be a vernacular style or reflect that of modern utilitarian buildings, it would have a simple traditional form, compare with the existing cabin and reflect its intended function. This would be in a manner analogous to rural static caravan sites or campsites offering stays in various forms of accommodation which provide buildings and structures inherently associated with, and identify as, holiday accommodation.
15. The proposed position would infill a gap between existing buildings and remain within the visual envelope of the wider group. Furthermore, it would be contained within the area bounded by existing hedgerows. Despite the site's elevated position in the landscape and that it would replace part of an existing functional hardstanding, its scale and appearance would preserve the intrinsic character and beauty of the countryside.
16. For those reasons, I find the proposal would be consistent with the requirements of Policies STRAT 9, ECON 3 and ENV 6 of the LP1 and Policy DM3 of the LP2 as they seek to achieve high quality design and protect the character of the countryside.

Conditions

17. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions.
18. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. To assimilate the development within its context details of

external materials and landscaping are necessary. To avoid conflict with the Council's spatial strategy for housing and protection of countryside areas, conditions restricting the occupation or alteration of the building are reasonable and necessary in the circumstances of the case.

19. Additionally, details of parking and turning areas are required to protect highway safety. A requirement to support biodiversity enhancements is necessary to enhance the natural and local environment.

Conclusion

20. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions to planning permission ref. 20/00885/FUL.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans received by the Local Planning Authority: 2x OS Sitemap 1:2500 Site Location Plans, 1:100 Proposed Elevations and 1:50 Proposed Plan, and, 1:500 Site Plan.
- 3) Prior to the construction of any external materials of the cabin hereby approved, details of the external materials and finishes to be used in the building, including that of all windows, doors and rainwater goods, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved materials.
- 4) The cabin hereby approved shall not be occupied until details of all boundary treatments, hard and soft landscaping works (including a schedule of new planting), have been submitted to and approved in writing by the local planning authority. All approved hard landscaping, including boundary and access works shall be implemented wholly in accordance with the approved details before the first occupation of the cabin. All approved soft landscaping works shall be implemented wholly in accordance with the approved details in the first available planting season following the first occupation of the cabin. If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved soft landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species.

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- 5) The accommodation hereby approved shall be for a holiday let only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all occupiers of the holiday accommodation and shall make this register available at all reasonable times to the local planning authority upon written request.
- 6) The cabin hereby approved shall not be occupied until bat and nesting bird enhancement measures have been submitted to and approved in writing by the local planning authority. All approved enhancement measures shall then be implemented in full prior to the first occupation of the cabin and retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development consisting of the enlargement or alteration of a dwellinghouse, an addition or alteration to its roof, or the provision of any building or enclosure incidental to the enjoyment of the dwellinghouse within Parts 1 and 2, Schedule 2 thereof, shall be carried out without the grant of planning permission by the local planning authority.
- 8) Turning areas and parking for cars, cycles and powered two-wheelers shall be provided prior to first occupation of the development in accordance with a scheme of details which has previously been submitted to and approved in writing by the local planning authority. Details shall include the number, type and design of each parking facility. The turning and parking facilities shall then be retained and remain available for use thereafter.

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