



## Appeal Decision

Site visit made on 20 April 2021

**by R Hitchcock BSc(Hons) DipCD MRTPI**

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

**Decision date: 18 May 2021**

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**Appeal Ref: APP/A0665/W/20/3261183**

**Hobb Hill Stables, Duckington Lane, Tilston, Wrexham SY14 7DU**

- 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 Peter Bannister against the decision of Cheshire West & Chester Council.
  - The application Ref 20/01517/FUL, dated 1 May 2020, was refused by notice dated 17 August 2020.
  - The development proposed is the conversion of redundant equestrian building to two residential dwellings with associated infrastructure and parking.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Various road names appear in the addresses used to identify the site, including that taken from the application form, which appears above and is used on the Council's decision notice. Other references state the road as Hobb Hill and Hobb Hill Road. For the purposes of the appeal, I have utilised Duckington Lane as the address used by the Council as the administrative body for the locality.

### Main Issues

3. The main issues are:
  - whether or not the building is suitable for reuse to provide residential accommodation
  - the effect of the development on the character and appearance of the locality.

### Reasons

#### *Reuse of a rural building*

4. The site includes a portal-framed building previously used in conjunction with an equine enterprise, a riding arena an unmade access track, part of a paddock and some operational areas about the building. The site sits at the northern extent of an inclined grassed field bordered by mature mixed hedges. The land lies some distance to the north of the village of Tilston.
5. The proposal seeks the reuse of the building and land to provide two dwellings with gardens, landscaping and parking areas. The existing access would be shared and be enlarged close to its junction with Duckington Lane to facilitate parking for users of the remaining paddock areas.

6. In a manner consistent with Paragraph 79 of the National Planning Policy Framework (the Framework), Policy STRAT 9 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies (LP1) restricts new development to that dependent on a countryside location. However, some exceptions are made including the reuse of rural buildings where they are of permanent construction and can be reused without major reconstruction.
7. For proposals to reuse existing rural buildings as dwellinghouses, Policy DM22 of the Cheshire West and Chester Council Local Plan Part Two: Land Allocations and Detailed Policies (LP2) imposes a number of criteria which must be met. These include requirements that the building is currently redundant or disused; that the building is of permanent and substantial construction which is capable of conversion without significant loss of existing fabric, or major or complete reconstruction; and, that it would lead to an enhancement of its immediate setting.
8. According to the appellant, the building was vacant during the summer of 2020 and there is little substantive evidence before me to indicate any active use of the building has taken place since then. Although I acknowledge that the Council's representative observed horses within the adjacent paddocks in July 2020, it is entirely plausible that these were independent of the use of the building. At the time of my site inspection the building and associated paddocks were not in use.
9. The appellant advises that the building also stood empty from 2008 to 2014 and acknowledges that occupancy has fluctuated in the past which indicate the difficulties in finding a tenant. It is suggested the extent of the competing local offer for stabling is significant and the effects of the Covid-19 pandemic on horse owners' finances will frustrate efforts to re-let it. Although detail of any marketing efforts would provide greater certainty, there is no requirement within the policy to do so; this is confirmed by the Council.
10. There is little reason to doubt the claims of the appellant in this regard. In the absence of evidence to demonstrate otherwise, I find the current circumstances of the building meet the requirements of Policy DM22 in terms of its redundant or disused status.
11. The building envelope appeared sound with only minor defects reflecting those identified in the appellant's structural report. However, to facilitate the residential use, some structural alteration of the building would be necessary to enable the proposed raising of the ridge height and to create the new roof form. Additionally, works are identified as necessary to enhance its stability to meet residential standards of construction. In this respect the report identifies that this will require a full structural analysis of the existing frame.
12. The report identifies that a new floor slab would also be essential. It suggests that new foundation strips might be required should new masonry walls be necessary, or, that the upper elevational cladding may require replacement to achieve the necessary insulation. In addition, a significant number of new and enlarged openings would remove elements of the existing elevations.
13. I have little doubt the retention of some of the existing framework and masonry walls could be accommodated. However, the conflicting evidence between the report and the detail shown on the plans, alongside the substantial absence of detail of the extent of new structure required to support

the raising of the ridge and construct the dormers, leads me to conclude that there is insufficient information to demonstrate that it would be capable of conversion without significant loss of the existing fabric, or without major reconstruction.

14. In support of the proposal, the appellant directs me to previous schemes permitted by the Council which show various degrees of rebuild and extension, including the raising of a roof. However, the full circumstances of each case are not provided to enable me to draw comparisons, or otherwise. Accordingly, as I am required to do, I have determined the case before me on its own merits.
15. For the above reasons, I find that the evidence of the necessary extent of rebuild and structural alteration of the building required to accommodate the proposed use has not been demonstrated. The proposal would thereby conflict with Policy STRAT9 of the LP1 and Policy DM22 of the LP2 as they require the change of use of buildings in the countryside to be capable of conversion without major reconstruction or significant loss of existing fabric.

#### *Character and Appearance*

16. The existing building is a typical agricultural style shed with simple form and materials which are representative of its countryside location. The simple access, rural style enclosures and equine paraphernalia are characteristic of development within the surrounding rolling countryside of irregular fields bordered by hedges and ribbons of trees.
17. The site is close to the brow of Hobb Hill in a position described as prominent by the appellant. It lies on a slope leading upwards from the village area to the south from where the building is visible from various points along the northern edge of the settlement. The building is also visible along parts of Duckington Lane and another country lane running to the west of the site. Some individually styled houses lie in a small loose group on the opposite side of the road.
18. Notwithstanding the potential conflicts with the content of the structural report, the plans suggest the retention of much of the building's existing blockwork and external cladding. To facilitate additional usable space at first floor level the scheme includes the raising of the building's ridge height by about 1m, and the installation of 4 large box dormers along the southern elevation. According to the plans, this would utilise the existing cladding painted in a black finish. Additionally, an array of new window openings of various sizes and arrangements would be introduced. Externally, the existing riding arena and parts of the paddock would be landscaped to provide garden areas, parking for users of the remaining paddock and a landscaping strip alongside the driveway.
19. The alteration to the height of the roof would have a negligible effect on the character of the building, however, this would not be the case for the introduction of the large and dominating box dormer features. These would sit on the prominent upper elevation and new roof slope addressing the fields and village to the south. They would have little reference to the character of the existing building and would appear incongruous elements on a building of intended simple and functional form.
20. The sleek modern statement architecture and proposed use of dark colouring to the upper elevations and roof would serve to emphasise the prominence of the

upper parts of the building and highlight the contrasting form of the roof additions. This effect would be increased through the cumulative extent of glazing introduced across the southern elevation and contrast with the assimilative effect of the existing muted colour treatment. Visually, the building would stand out in the open landscape, appear conspicuous and at odds with the prevailing character of development in the locality.

21. I acknowledge that the dormers would facilitate an enhanced use of the building for residential purposes, however, that use would not be entirely dependent upon them. It is therefore a matter of limited weight in the determination of the appeal.
22. Externally, the formation of new garden areas and landscaped driveway in lieu of the riding arena and encroachment on to parts of the existing grass paddock would have some potential to domesticate the appearance of the site. This would be particularly evident through any formal planting, external lighting, the proposed erection of garden storage sheds and the use of screen fencing between the gardens. However, views on to the terraced area, formed to provide the level arena, would be difficult due to the existing topography and the mature hedging enclosures about the wider site. Subject to securing appropriate border landscaping and use of rural style fencing, I find the visual effect of those aspects of the development could be limited.
23. Nevertheless, for the above reasons, I find the proposed changes to the character of the building would fail to reflect the rural characteristic of the area in a visually prominent location. This would fail to meet the requirements of Policy EN6 of the LP1 and Policy DM3 of the LP2 as they seek development that respects the scale, character and appearance of the existing building and the character of the area in which it is located.

### **Other Matters**

24. The appellant indicated that the Council's strategic housing policies have not been reviewed since their adoption more than 5 years ago and questions the ongoing relevance of the strategic policies within it. However, it is now common ground between the main parties that the Council is able to demonstrate a 5-year housing land supply. Furthermore, the more recent revised National Planning Policy Framework's approach to housing development in the countryside remains unchanged such that Policies STRAT9 and DM22 remain consistent with it.
25. In support of the appeal, the appellant states that a fallback position exists in that Policy DM1 of the LP2 allows the redevelopment of previously developed land (PDL) which could permit the replacement of the existing building. However, for the purposes of the development plan, the adopted definition of PDL excludes sites formerly used in conjunction with outdoor sports and recreation. Although this differs from the definition contained within the National Planning Policy Framework (the Framework) the adopted plan holds primacy where the development plan has previously been found to be consistent with it. Although the Framework's definition has been slightly altered since the adoption of the LP2, those alterations are not material to the case in point. There is, therefore, little justification to find against the local plan definition. Accordingly, this is not a matter which weighs in favour of the development.

26. The appellant indicates that the site is within easy access of the services within Tilston and close to public transport links. According to the Council, the site is some 300m from the settlement. Although this is a relatively short walk, the narrowness and incline on the adjacent road, lack of pavements and absence of streetlighting would not provide a suitable or safe option for many users. For similar reasons and variable ground conditions, an option to shorten reliance on the public highway by walking across the grass paddocks would be a limited one. Furthermore, the local bus services do not have the frequency to be conducive to supporting day-to-day living needs. Whilst occupiers could support local services within the village, this is likely to be subject to the majority of trips being reliant on use of private vehicles.
27. I acknowledge the benefits arising from the reuse of a redundant site and its potential contribution to housing delivery in the area. It could also provide support for local services and economic benefits during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would not outweigh the harm I have identified in relation to the conflict with the Council's strategy for housing constraint in the countryside or the effect of the development on the character and appearance of the building and its locality.
28. Other financial benefits including initial spend for furnishing or contributions to Council Tax and New Homes Bonus would not be benefits exclusive to the proposed development or dependent on the specific location of the site. The protection and enhancement of biodiversity interests are a requirement of national and local policy, they are not, therefore, benefits in favour of the development. I note the concerns of the appellant that the continued non-use of the building could lead to its dilapidation, however, this decision does not prevent the alternative use or redevelopment of the building and there is little evidence to suggest that outcome would arise. It is therefore also a matter of negligible weight.
29. I have noted the objections from local residents and third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters.

### **Conclusion**

30. For the above reasons, I conclude that the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. The appeal should be dismissed.

*R Hitchcock*

INSPECTOR