The Planning Inspectorate

Appeal Decision

Site Visit made on 17 May 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2021

Appeal Ref: APP/A0665/W/21/3268590
The Stable, Clay Lane, Marton, Winsford CW7 2QH

- 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 B Ikin against the decision of Cheshire West and Chester Council.
- The application Ref 20/02079/FUL, dated 16 June 2020, was refused by notice dated 11 January 2021.
- The development proposed is described as the 'Change of use of equine/agricultural/storage building to residential'.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of equine/agricultural/storage building to residential use in accordance with the terms of the application, Ref 20/02079/FUL, dated 16 June 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Scale 1:1250), Existing Plans and Elevations (Scale 1:100) and Proposed Plans and Elevations (Scale 1:100).

Main Issues

2. The main issues are:

   - whether the proposed development would represent an accessible location for new housing, with particular regard to shops, local facilities and availability of local public transport services; and

   - the effect of the proposed development on the character and appearance of the area.

Reasons

Location of Development

3. The appeal site is located amongst a small group of buildings on the eastern side of Clay Lane. It is situated outside an identified settlement and is within the open countryside. The appellant has set out the location and range of services, facilities and public transport connections available in relation to the appeal site, but the Council's concern relates to the reliance on private vehicles for accessing such services and facilities to meet day-to-day needs of future occupants of the development.

4. Clay Lane does not have a footway in the vicinity of the site but is lightly trafficked and is not unduly narrow. I was able to see pedestrians and cyclists using it at the time of my visit. The 'Sustainability of Location' document provided by the appellant identifies various Public rights of way and a cycle route on or from Clay Lane that provide connections towards locations where services, facilities and public transport connections can be accessed. These include a wide range of facilities, including primary schools, shops and services as well as train stations in Winsford and in Sandiway and Cuddington. These are supplemented further by dispersed shops/facilities closer to the appeal site. In addition, a bookable bus service in Marton is said to be available. Taken together, I consider that shops, facilities and wider public transport connections can be accessed by means other than a private vehicle.

5. I therefore conclude that the proposed development would represent an accessible location for new housing. As such, the proposal would not be contrary to Polices STRAT 1 or STRAT 2 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (Local Plan Part One) which I consider to be of most relevance to this issue. These seek, amongst other matters, new housing with good accessibility to existing or proposed local shops, community facilities and primary schools and good connections to public transport.

Character and Appearance

6. The appeal site is situated in an area that has a distinctly rural character, with small groups of buildings, some of which face the road and other which have a more organic layout, surrounded by open fields. These fields, as well as boundaries to properties are generally bounded by hedges and trees. They further contribute to the verdant, open qualities that are typical of the rural landscape.

7. The proposal would result in the conversion of an existing building, with limited external alterations. The proposal would not extend the built form onto open land. As such, and given the single storey scale of the building, I consider these physical alterations would be acceptable.

8. The Council are however concerned about the urbanising impact of the development. The proposal would see the introduction of parking and domestic paraphernalia that is typically associated with a residential use. This would however be on that part of the site which I was able to see is already largely covered by hard standing. Given the small scale of the proposed appeal dwelling which would have a single bedroom, I consider the degree of domestication of the external areas of the appeal site would be limited. The appeal site is furthermore well screened in views from Clay Lane due to trees and hedgerows along the site boundary and the Council acknowledge the appeal building is not a prominent feature in the surrounding area. As such, I consider the proposal would be sympathetic to its setting.

9. I therefore conclude that the appeal development would not have an unacceptable impact on the character and appearance of the area. There would be no conflict with Policy DM 22 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies which I consider to be the most relevant policy referenced on the decision notice to this issue. My attention has also been drawn to Policy STRAT 9 of the Local Plan Part One. I consider the proposal would not conflict with these policies, which

seek, amongst other matters, development of an appropriate scale and design that does not harm the character of the countryside.

Other Considerations

10. I have taken note of the history of the appeal site and also the reference to the appeal development creating a precedent for other conversions. I have however considered the appeal before me on its own merits and any future developments would also be considered accordingly on their own merits.

11. Reference has been made to the Whitegate & Marton Neighbourhood Plan, but I have not been provided with any further details of this document.

Conditions

12. I have imposed the standard condition relating to the commencement of development and it is also necessary for a condition to require compliance with the submitted plans.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR