



Appeal Decision

Site visit made on 25 May 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/A0665/W/21/3270046

The Stables, Beech Road, Little Budworth, Tarporley CW6 9EN

- 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 Robert Foster against the decision of Cheshire West & Chester Council.
 - The application Ref 20/02108/FUL, dated 17 June 2020, was refused by notice dated 19 January 2021.
 - The development proposed is conversion of existing building comprising stables, ancillary storage and groom's living accommodation into one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is an appropriate location for residential development, having regard to relevant local and national planning policies relating to new dwellings in the countryside.

Reasons

Background and policy context

3. The appeal relates to an existing building which has planning permission for a use described in the Council's report as a 'stable block for stabling of horses and storage, including occasional accommodation relating to equine care'. The building was not in use at the time of my visit. However, it was subdivided internally into several stalls and contained a small amount of accommodation including kitchen and living areas. Its layout and appearance are thus consistent with the use as described in the submissions before me. The site is in the countryside and surrounded by open land to all sides.
4. It is proposed to convert the building into a dwelling. An area of land around the building would be used as parking and garden for the proposed house.
5. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (the Local Plan Part One) restricts development in the countryside except in certain specified circumstances. Those include the reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction. Despite specifically referring to economic purposes, Policy STRAT 9 does not preclude the reuse of buildings in the countryside for residential purposes.

6. Policy DM 22 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (the Local Plan Part Two) states that in the countryside, outside of identified settlements, proposals for the change of use of buildings to dwellinghouses will only be supported where they meet all of the criteria set out therein. Those criteria include that:
 - the building is of permanent and substantial construction and it is suitable for and capable of conversion to residential use without significant loss of existing fabric, or major or complete reconstruction (criterion 2);
 - the existing building does not have a harmful visual impact which would be perpetuated by its retention (criterion 3); and
 - the conversion or change of use of the building would lead to an enhancement to its immediate setting (criterion 4).
7. Paragraph 79 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, the development would re-use redundant or disused buildings and enhance its immediate setting.
8. Although there are other houses scattered along Beech Road nearby, the site is in the countryside, on a rural lane surrounded by open fields. It is so separate and remote from any settlement that I consider it to be isolated for the purposes of paragraph 79 of the Framework.
9. There is consistency between the aims and criteria of Policies STRAT 9 and DM 22 of the Local Plan and those of paragraph 79 of the Framework with regard to the development of new dwellings in the countryside. I therefore afford full weight to the development plan policies and have considered the appeal on the basis of those local policies and national policy in Framework paragraph 79.

Whether the building is of a permanent and substantial construction and suitable for and capable of conversion without significant loss of existing fabric or major or complete reconstruction

10. The appellant's submissions include a structural survey¹. In the absence of any comparable report or other substantive evidence to the contrary, I am content to rely on the findings and conclusions of the appellant's structural survey.
11. The existing building is a steel portal framed structure of steel columns on concrete pad foundations. Its roof is clad in profiled metal fixed to timber purlins between the steel rafters and its walls are finished with external timber cladding. Those materials combine to create a solid, weatherproof structure. On that basis, and from my own observations of the building, I am satisfied that it is of a permanent and substantial construction.
12. The conversion of the building into a dwelling would require the addition of insulating material on the internal faces of its walls and roof. The submissions also refer to overlaying a damp proof membrane and insulation on its solid floor. The appellant's structural survey confirms that the building's floor slab is in good condition and its steel frame is in very good condition. It states that the existing structure could accept an upgrade in thermal requirements without

¹ Carried out by Platt White Partnership, dated 1 May 2020 and revised 6 January 2021.

major works. It concludes that the existing structure, including the existing walls, roof and solid floor have the structural capacity to enable the building to be converted to residential use without needing to be replaced. In the absence of substantive evidence to the contrary, I have no reason to reach a different conclusion.

13. The existing building was built principally to house animals and for storage. The Council's policy does not preclude the conversion of such buildings in principle. The addition of insulation to the inside of the building's existing walls and roof is not an unusual requirement associated with the conversion of a building of this nature into a dwelling. The insulation would be added to the existing external walls and roof, it would not replace them. Therefore, it would not result in the significant loss of existing fabric, nor would it amount to a major or complete reconstruction.
14. The appellant's structural survey also states that other components associated with the interior of a dwelling such as internal stud walls would not compromise the structural integrity of the building. The survey does not provide an exhaustive list of such components. However, I have not been provided with substantive evidence to contradict its findings or any indication of works which might have been omitted. Therefore, I have no reason to conclude that significant omissions were made or to doubt the conclusions of the appellant's structural survey.
15. The appellant's structural survey raises the possibility that diagonal bracing may be required between some of the frame components to support the additional loads that would arise from the conversion of the building and states that further investigation and/or calculations would be required to confirm this. No such calculations have been provided. However, even if additional bracing was necessary, it would be an addition to the existing steel frame structure. It would not result in significant loss of existing fabric or amount to major or complete reconstruction or thus conflict with the terms of Policy DM 22.
16. The Council has referred me to other appeal decisions relating to the conversion of buildings into dwellings. However, from the evidence before me I have noted differences between the circumstances in those cases and those in the current appeal. In the Hope Farm appeal² no structural survey was provided. In the Withy Bank case³ doubts remained regarding the foundations of the building, whether its structural frame could support the loads of new materials required as part of the conversion and whether it was thus capable of supporting the conversion without major or complete reconstruction. The Monument Place decision⁴ refers to the building having missing sections of wall and roof and to the need for new roofs, walls and structural elements.
17. In contrast, the existing building in this case is of a substantial construction with a roof and all four external walls. A structural survey has been submitted and confirms that the existing structure is capable of supporting the loads associated with the necessary insulation and the proposed residential use without the need for the replacement of its walls, roof or major structural components. Whilst I have had regard to those other decisions, the circumstances in those cases were not directly comparable in all respects to

² Appeal reference: APP/A0665/W/18/3215866

³ Appeal reference: APP/A0665/W/20/3254309

⁴ Appeal reference: APP/A0665/W/19/3241408

those in the current appeal, which I have considered on its own planning merits.

18. I have been referred to the *Hibbitt* judgment⁵, including with regard to the point at which a conversion becomes a rebuild. That case related to an application for prior approval under permitted development rights and to a building which was described as being largely open on three sides, and therefore not directly comparable to the building in the current appeal. However, the judgment states that it is a matter of legitimate planning judgment as to where the line is drawn between conversion and rebuild.
19. I have considered the current appeal on its own planning merits and based on the evidence and circumstances in this case. For the reasons given, I am satisfied that the building is of a permanent and substantial construction and suitable and capable of conversion without significant loss of existing fabric or major or complete reconstruction. The development would therefore not conflict with criterion 2 of Policy DM 22.

Whether the existing building has a harmful visual impact which would be perpetuated by its retention

20. The existing building has a plain, functional appearance. However, that is not uncharacteristic or unusual for a rural building intended for storage and stabling. As such, it does not appear incongruous or harmful within its countryside surroundings. Although it is quite large and visible in views along Beech Road in the vicinity of the site, the building is not unduly dominant or intrusive within those views or from further afield. Domestic windows would be inserted. However, they would largely use existing openings. The building would not be enlarged, nor would its external appearance notably change, since its external timber cladding would be retained.
21. Consequently, I conclude that the building does not have a harmful visual impact at present. Nor would a harmful visual impact be perpetuated as a result of it being retained. Therefore, the development would not conflict with criterion 3 of Policy DM 22.

Whether the conversion would lead to an enhancement to its immediate setting

22. Although external alterations to the building itself would be somewhat limited, the development would result in the creation of domestic parking and garden areas within the site around it. The amount of hard surfacing within the site would reduce overall. However, the use of such areas for the parking of horse boxes or other ancillary purposes associated with a stable building are not unusual and do not appear incongruous within a rural area.
23. In contrast, even if permitted development rights were removed for residential outbuildings or extensions, and despite the proposal to reduce the amount of hard surfacing and provide new landscaping, the use of the site as a garden would lead to the proliferation of domestic paraphernalia such as outdoor seating, washing lines and play equipment into its external areas. Such items would not be subject to planning control. New landscaping associated with a residential property is also likely to be more formal than that typically found in rural areas. Therefore, the use of those external areas as domestic garden in

⁵ *Hibbitt and Another v SSCLG & Rushcliffe BC* [2016] EWHC 2853 (Admin)

association with the proposed dwelling would significantly change the character of the site.

24. The site is in the open countryside, surrounded by open fields. Despite some scattered housing nearby, it is not visually related to any other residential development. In that context, the proposal would represent the introduction of an uncharacteristically suburban form of development that would appear inconsistent with and incongruous in its rural surroundings. Consequently, the development would result in harm, rather than an enhancement, to the character and appearance of its surroundings and thus to its immediate setting. It would therefore conflict with criterion 4 of Policy DM 22 and with the requirements of paragraph 79 of the Framework in that regard.

Conclusion on the main issue

25. The Council has not identified any specific conflict with criteria 1 or 5 of Policy DM 22, which respectively require that the building is redundant or disused and that the proposal would not be in conflict with existing uses in the locality.
26. However, for the reasons given, I conclude that the proposed development would not enhance its rural setting. Therefore, even if I were to agree that there would be no conflict with criteria 1 and 5, it would not meet all of the criteria in Policy DM 22 of the Local Plan Part Two. It would therefore conflict with Policy DM22, which states that proposals of this nature must meet all of the criteria therein. It would also conflict with the relevant criterion in paragraph 79 of the Framework. Furthermore, it would not accord with Policy STRAT 9 of the Local Plan Part One, which requires development to be of an appropriate scale and design to not harm the character of the countryside. Therefore, I conclude that the appeal site is not an appropriate location for residential development, having regard to relevant local and national planning policies relating to new dwellings in the countryside.

Planning Balance and Conclusion

27. The proposed development would create a new dwelling which would contribute to local housing supply. Occupants of the dwelling would likely use and support existing facilities in villages in the area and I have noted references made to the possibility that some of those facilities and public transport links may be accessible from the site by cycle. However, any such benefits that would result from the single dwelling proposed would be very modest and I afford them only limited weight.
28. It has been suggested that the residential use of the site would be of benefit to the living conditions of the occupants of nearby houses as there would no longer be large horse boxes travelling to and from the site. However, given the separation distances between the site and other residential properties and as the proposed use would still generate some vehicle movements, any benefits in that regard would be limited, and I afford them limited weight accordingly.
29. I have been referred to a planning permission granted by the Council⁶ and to several appeal decisions⁷, all of which related to the conversion of existing buildings to residential use. However, some were in a different administrative

⁶ Application reference: 16/04673/FUL

⁷ Appeal references: APP/A0665/W/19/3224970; APP/P2365/W/19/3226493; and APP/P2365/W/15/3035959

district and those in the same district were determined prior to the adoption of the Local Plan Part Two, including Policy DM 22. All were therefore considered in a different policy context to the current appeal. Furthermore, I cannot be certain that the circumstances in those cases were directly comparable in all respects to those in the current appeal. Indeed, from the limited information before me I have noted some apparent differences, including with regard to the appearance and condition of the existing buildings and sites in those cases and/or their location relative to other buildings. In any event, I have considered the appeal on its own planning merits and based on current local and national policy and the specific circumstances in this case. Whilst I have had regard to those other decisions, they do not alter my conclusions above.

30. I have not been presented with substantive evidence to suggest that the Council is unable to demonstrate a 5 year supply of deliverable housing land or that I should apply the 'tilted balance' in paragraph 11d) of the Framework for any other reason. I have therefore applied a straightforward planning balance.
31. Taking all of the above into account, I conclude that the benefits of the scheme would not outweigh the harm to the site's rural setting or the resultant conflict with development plan policies relating to new dwellings in the countryside. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR