



Appeal Decision

Site visit made on 18 May 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2021

Appeal Ref: APP/R0660/W/21/3267809

Dodcott Grange, Lodmore Lane, Burleydam, SY13 4BQ

- 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 Hollins against the decision of Cheshire East Council.
 - The application Ref 20/2600N, dated 23 June 2020, was refused by notice dated 18 December 2020.
 - The development proposed is conversion of an agricultural building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, firstly, whether the development would accord with planning policy for development in the open countryside and, secondly, the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

Planning policy for development in the open countryside

3. Policy PG 6 of the Cheshire East Local Plan Strategy (2017) seeks to restrict new housing development in the open countryside unless one of a limited number of exceptions are met. One such exception is for the re-use of an existing rural building where the building would not require extensive alteration, rebuilding or extension.
4. The appeal building is a steel portal framed unit with a plain agricultural appearance. Its external walls and roof largely consist of corrugated sheeting, although it has a single skin of blockwork up to around 1.5-2.0 metres in height. The development would introduce a new dwelling into the rear part of the building that would occupy around 40% of its footprint. Little detail has been provided as to how this conversion would be achieved. However, significant works would almost certainly be required, including the supplementing of the existing corrugated sheeting, which is relatively insubstantial, and the creation of a large partition wall between the retained commercial area and the new dwelling. A significant number of new window and door openings would also be introduced to 3 sides of the building. These works would be very significant and would effectively amount to the construction of a new dwelling within the shell of the existing structure. In my

view, this would clearly comprise "*extensive alterations*" for the purposes of Policy PG 6.

5. My attention has been drawn to the Hibbitt Judgement¹, which related to a proposal under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'). That Judgement held that to benefit from the permitted right, a building must be capable of conversion to residential use without necessitating the complete or substantial re-building of the pre-existing structure. However, the appeal proposal is a full planning application that falls to be considered against Policy PG 6. This has different requirements to those set out under Class Q of the GPDO, namely that the re-use of an existing rural building would not require extensive alteration, rebuilding or extension.
6. A recent appeal decision² in a neighbouring borough has also been highlighted. However, the full details of that case, including the submitted structural report, are not before me and so it is difficult to assess whether there is any direct comparability to the current proposal. That development was also considered against a different local policy context and did not propose the partial conversion of a larger building, as is the case here. Similarly, the highlighted approval³ at Picton Gorse Farm was also in a neighbouring district and did not propose a partial conversion. I have therefore come to my own view on the current appeal proposal.
7. For the above reasons, I conclude that the development would be contrary to planning policy for development in the open countryside. It would be at odds with the relevant sections of Policy PG 6 of the Cheshire East Local Plan Strategy (2017) in this regard.

Character and appearance

8. The appeal building is a tall structure that is visible in longer views from a number of public vantage points. At present, it has a simple agricultural appearance that is consistent with its rural surroundings.
9. The development would introduce 19 window and door openings into the side and rear elevations of the building. These would be of various sizes and shapes and would be awkwardly arranged, particularly across the prominent rear elevation. They would also have an overtly domestic appearance that would contrast sharply with the agricultural character of the host building. In my view, these alterations would create a discordant feature in the local area that would draw the eye.
10. For the above reasons, I conclude that the development would significantly harm the character and appearance of the host property and the surrounding area. It would therefore be contrary to the relevant sections of Policy PG 6 of the Cheshire East Local Plan Strategy (2017), which require particular attention to be paid to design and landscape character in order to preserve the character and appearance of the countryside.

¹ Hibbitt and another v Secretary of State for Communities and Local Government and another [2016] EWHC 2853 (Admin)

² Ref APP/A0665/W/19/3224970

³ Ref 18/04774/FUL

Other Matters

11. Whilst not a reason for refusal, the Delegated Report raises a number of concerns in relation to the living conditions of future occupiers. In this regard, the proposed dwelling would share a party wall with the retained commercial part of the building, which could result in significant noise and disturbance. Moreover, no outdoor garden space would be provided, despite the proposed dwelling being a family-sized unit. In my view, these are valid concerns. However, as I have found that the appeal fails against the main issues, these matters are not determinative in this case.
12. It is asserted that the proposed dwelling is to accommodate the agricultural need of the appellant, and that the building could be restricted to an agricultural occupancy by condition. In this regard, paragraph 79 of the National Planning Policy Framework states that the development of isolated homes in the countryside should be avoided unless specific circumstances apply, including where there is an essential need for a rural worker to live permanently at or near their place of work. However, only limited information has been provided to support the contention that there is an 'essential need' for a rural worker dwelling in this location, or that alternative options have been exhausted. I therefore attach little weight to this consideration.

Conclusion

13. As set out above, the appeal proposal would be contrary to planning policy for development in the open countryside and would significantly harm the character and appearance of the host property and the surrounding area. Whilst it would provide a new dwelling and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR