



Appeal Decision

Site visit made on 7 May 2021

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2021

Appeal Ref: APP/R0660/W/20/3265589

Dairy Farm, Halliwells Brow, High Legh, Cheshire, WA16 0QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by High Legh Estate against the decision of Cheshire East Council.
 - The application Ref 20/1753M, dated 28 April 2020, was approved on 14 December 2020 and planning permission was granted subject to conditions.
 - The development permitted is the conversion of a first floor agricultural building into a C3 residential dwelling.
 - The condition in dispute is No 3 which states that: "Prior to the installation of any doors, windows or rooflights as part of the development hereby approved, drawings indicating details of all windows, external doors and rooflights, including the proposed material(s), to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter."
 - The reason given for the condition is: To ensure that the external appearance of the building/structure is acceptable.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for the conversion of the appeal site to a dwelling. The appellant wishes to remove the condition which requires further approval of the detailing of the external doors, rooflights and windows.
3. There is dispute between the parties over whether or not the appeal building is listed. However, this is not a matter for me to determine as part of an appeal against a condition on a planning permission and I note that the Inspector in her decision on the previous planning appeal¹ at the premises did not do so either.
4. The main issue is whether the condition is reasonable and necessary in respect of the external appearance of the building.

Reasons

5. The appeal site is within a two-storey foldyard building which is historically associated with the former Dairy Farm. It is close to and directly behind the original farmhouse, a Grade II Listed Building which is thought to date from the late 16th or early 17th century. The farmhouse is timber framed with rendered

¹ APP/R0660/W/19/3234279

- infill and English garden wall bond brick. Its significance derives from its age, architectural detailing and its historic agricultural association with the surrounding land. The listed building and the appeal building are no longer used jointly by the same occupant.
6. According to the appellant's Heritage Statement, the foldyard building is a more recent construction than the farmhouse and dates from the early 19th century. It was once functionally connected to the listed farmhouse due to its former agricultural use. In addition, it is physically very close to the farmhouse and is separated by just a small yard. The two buildings are experienced together as they are intervisible and result in a dominant enclosure of the yard. For these reasons, the appeal site is within the setting of the Listed Building and contributes to the significance of the Listed Building.
 7. The appeal building is constructed of irregular hand-made russet-brown bricks laid in a lime-rich mortar, mainly to a simple English garden wall bond. The roof is covered in slate with ceramic ridge tiles. Although the foldyard building has been considerably altered, such as by the blocking and insertion of openings and elements of rebuilding, it has an attractive appearance, retains much of its original form and is of a traditional rural character which is reflective of its agricultural history and the surrounding rural area.
 8. As the appeal site forms part of the setting of the listed building, section 66 of the Act² requires that special regard is had to the desirability of preserving it or its setting or any features of special architectural interest that it may possess. This expectation is supported by paragraphs 193 and 194 of the National Planning Policy Framework, which anticipates great weight being given to the conservation of designated heritage assets and their setting. In this context the purpose of the condition is to ensure that the carpentry details of the approved development are of a type, detail and material that are appropriate to the ancillary structure making up the former farmstead. In so doing, the approved details would be assured to preserve and conserve the setting of the adjacent listed building in accordance with this Act and national policy.
 9. It follows logically that in the absence of such a condition, there would be no such assurance that any installed fixtures would indeed preserve or conserve the setting of the Listed Building. Moreover, even if the foldyard building were not within the setting of the listed building, the condition would serve a purpose of protecting the traditional rural character of the building itself.
 10. I appreciate that the insertion of windows and doors in a dwelling is often permitted development but they can also be controlled by a condition when considering new development.
 11. In the context of section 66 the Act and national planning policy, the condition is manifestly both reasonable and necessary and the appeal is dismissed.

Siobhan Watson

INSPECTOR

² The Planning (Listed Buildings and Conservation Areas) Act 1990