



Appeal Decision

Site Visit made on 15 June 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2021

Appeal Ref: APP/A0665/W/21/3271112

**P D Hook Hatcheries Ltd, Newton Hollows Road, Kingsley, Frodsham
WA6 6HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by Mr Adrian Oldfield against the decision of Cheshire West and Chester Council.
 - The application Ref 20/02656/PDQ, dated 24 July 2020, was refused by notice dated 2 October 2020. The development proposal is described as follows: convert the building to form five, single storey residential dwellings. Please refer to the statement in support for details of siting and location of the building.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the GPDO to convert the building to form five, single storey residential dwellings, at P D Hook Hatcheries Ltd, Newton Hollows Road, Kingsley, Frodsham WA6 6HY, in accordance with the details submitted via application Ref 20/02656/PDQ, dated 24 July 2020, which includes plans HNH 001, HNH 002, HNH 003, HNH 004, HNH 005, HNH 006, HNH 007, HNH 008, HNH 011, HNH 012 and HNH 013, subject to the following conditions:
 - 1) Prior to any of the proposed door and window openings being created, a scheme of landscaping and boundary treatments shall have been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 2) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 3) Prior to any of the dwellings being occupied, details of on-site car parking and turning areas shall have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to any of the dwellings being occupied and retained for the lifetime of the development without impediment to their designated use.

- 4) Prior to any of the dwellings being occupied, all demolition works shown on plan HNH 007 shall have been completed and all existing outbuildings and containers currently on site, shall have been demolished and removed from the site.

Preliminary Matters

2. In the decision I have removed the phrase "*please refer to the statement in support for details of siting and location of the building*" from the description of development, as it does not describe development.

Legislative context

3. The proposal is for a change of use of an agricultural building to dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion. Therefore, it relates to Schedule 2, Part 3, Class Q, sub sections (a) and (b) of the GPDO. Such development is subject to the limitations outlined in paragraph Q.1 and the conditions outlined in Q.2 (including the provisions of paragraph 'W').

Main Issues

4. The main issues are whether it would be undesirable to change the use of the building to dwellinghouses, having regard to the living conditions of future occupiers, and whether the design or external appearance of the building would be acceptable, taking account of Q.2 (1) (e) and (f) of Schedule 2, Part 3, Class Q of the GPDO.
5. There is no definition of the term 'undesirable' in the GPDO. The Planning Practice Guidance (PPG) advises that a reasonable ordinary dictionary meaning of the term should be applied. Thus, 'undesirable' reflects that it would be "*harmful or objectionable*"¹.

Reasons

Whether it would be undesirable to convert the building

6. The building is located off Newton Hollows Road in the countryside, with most of the surrounding land being agricultural. There is a small single storey, flat roof building located just beyond the south-western boundary of the site, which appeared to be in residential use at the time of my visit. The nearest other dwellings are a pair of cottages opposite the south-eastern boundary of the site. The remaining small number of dwellings and commercial premises in the area are interspersed along the network of surrounding country lanes.
7. The access to the site also provides access to a track leading to RTC Agricultural Ltd, which, from the evidence before me and my observations on site, consists of a workshop and related shop. The business appears to comprise of agricultural machinery sales and repairs along with the sale of spares and items like hand tools and protective clothing. The workshop on the premises is sited around 100 m north-west of the appeal site.
8. During my site visit I did not hear any noise emanating from the site of the business, although I acknowledge that any noise generating activities may have ceased whilst I was present. I appreciate the Council's concerns regarding

¹ Paragraph: 109 Reference ID: 13-109-20150305, Revision date: 05 03 2015

potential noise disturbance. However, I have not been presented with any substantive evidence to suggest that there is any history of noise and disturbance from the premises. Additionally, given the distance of the business from the site, the fact that the appeal building sits in a hollow relative to the commercial premises, the nature of the commercial activities which appear to be carried out at the site and observations I made during my visit, I am not persuaded by the suggestion that the living conditions of future occupiers of the proposed dwellings would not be satisfactory due to noise disturbance.

9. I therefore conclude that the proposed changed of use would not be harmful to the living conditions of future occupiers and therefore it would be acceptable, and not undesirable, to change the use to C3 residential.

Character and appearance

10. The site comprises a substantial single storey building, which has had several extensions added since its construction around 50 years ago, and an area of concrete hardstanding around the perimeter of the building. Additionally, there are a few outbuildings and a steel container around the perimeter of the site, within land owned by the appellant. The original building is constructed of red brick under a corrugated metal roof; the extensions are a mix of brick and corrugated sheeting
11. As noted above, there are only a couple of residential properties located close to the site, and other dwellings in the surrounding area are interspersed along the lanes. It is clearly the case that the size, scale and design of the appeal building does not correspond with other dwellings within proximity of the site or within the surrounding area.
12. However, the proposal is for conversion of an existing building, which has featured in the landscape for around 5 decades. Inevitably, it is not going to correspond with the design and scale of existing dwellings in the area. To my mind, however, simply removing the mainly unsympathetic range of extensions and the existing outbuildings and steel container on the site, would improve the appearance of the building and the site. The building would be returned to its original simple form, and space would also be created around it, allowing it to 'breathe' again.
13. Additionally, given the building is as it stands and there is a requirement for doors and windows to be inserted to facilitate the conversion, I consider the proposed fenestration would break up the mass of the brick elevations, giving it a light, airy appearance. I appreciate that future occupiers of the dwellings would be likely to have motor cars and that the introduction of some domestic paraphernalia around the site is also likely. However, given the location of the building in the 'hollow' and the dense mature trees, native hedging and leylandii along 3 of the site's boundaries, the building and its curtilage are barely visible from public vantage points. Contrary to the Council's view that the proposal would perpetuate the existing negative effect the building has on the character and appearance of the area, I am of the opinion that the alterations to the building as proposed and its use as dwellings would inject a new lease of life into the building that would enhance the appearance of the building and the site and therefore the character and appearance of the area.
14. Regarding the scale of the proposed dwellings, I acknowledge that dwelling '1' would have a large floor area. However, the size of the 5 separate units would

not be perceived by observers outside of the building. On the contrary, the size/scale of the building would be reduced, which I consider would enhance the character and appearance of the building and the area.

15. Bearing the above factors in mind, I conclude that the proposed design and external appearance of the building would be acceptable.

Other Matters

16. I note some additional concerns were raised during the application process. Regarding the Green Belt, the relevant GPDO legislation does not restrict such development to areas outside of Green Belts. With respect to further use of the site for agricultural purposes, although this may be possible, the legislation does not prevent such development if the building is still useable for agricultural purposes. With respect to highway matters, I acknowledge that future occupiers of the dwellings are likely to use cars as the main mode of travel. However, I note that the Council has not raised any concerns regarding highway matters. Furthermore, I have not been provided with any substantive evidence that the proposal would either generate more traffic than that which could result from the existing use of the building, or that the extent of associated traffic would cause any highway safety concerns.

Conditions

17. I note that the Council has not submitted any suggested conditions. However, I have had regard to the requirements of the legislation and guidance within the Framework and the PPG, noting that sub paragraph W(13) of Schedule 2, Part 3 of the GPDO allows for prior approval to be granted unconditionally or subject to conditions reasonably related to the subject matters of the prior approval,.
18. Approval is granted in accordance with the details submitted with the application, which includes the plans specified above. As such, there is no need to list the plans as a condition. Also, condition Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO requires the development to be completed within a period of 3 years from the date of approval. Consequently, there is no need to specify the timescale as a condition.
19. As no details of landscaping, boundary treatments or car parking and turning areas have been provided, I have attached conditions related to these matters, to protect the character and appearance of the area and in the interests of highway safety. I have also attached a condition requiring the demolition of existing extensions and removal of existing outbuildings and steel container from the site, as noted in the statement submitted with the application, in the interest of the character and appearance of the area.

Conclusion

20. For the reasons outlined above, I conclude that the proposal satisfies the requirements of Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore allowed, and prior approval is granted.

J Williamson

INSPECTOR