



Appeal Decision

Site Visit made on 13 July 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/A0665/W/21/3272029

Valley Farm Barn, Willow Green Lane, Little Leigh, Northwich

- 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 Max Cowap against the decision of Cheshire West and Chester Council.
 - The application Ref 20/04524/FULL, dated 1 December 2020, was refused by notice dated 4 March 2021.
 - The development proposed is conversion of redundant agricultural building to one residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property lies close to the Trent and Mersey Canal Conservation Area. There is no dispute between the parties that the proposed development would not have an adverse effect on the character or appearance of the Conservation Area. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the setting of the designated area and I shall make no further reference to this matter.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
 - whether or not the site lies in a suitable location for new residential development
 - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

4. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the Framework lists types of development that are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 146 d) allows the re-use of buildings provided that the buildings are of permanent and substantial construction.
5. Policy STRAT9 of the Cheshire West and Chester Local Plan (Part 1) (LP1) and Policy DM22 of the Cheshire West and Chester Local Plan (Part 2) (LP2) reflect the provisions of the Framework in relation to development in the Green Belt. In addition, Policy DM22 permits the change of use of buildings to dwellinghouses in the countryside subject to meeting a number of criteria. This includes 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.
6. The building is an open sided agricultural style barn with a lean-to store at one end. The original part of the shed consists of 6 brickwork columns supporting three hand-made 'A' frames with original purlins. Additional bays and widening of the building have taken place where the extended corrugated sheet metal roof is supported by timber posts and machine cut roof timbers.
7. The proposal seeks the demolition of the major part of the building save for that element supported by the brick columns and an additional bay to the west with consistent depth. The plans show new walls to the central rear bay and a new western gable. The remainder of the elevations would be substantially glazed between the brick pillars and new gable. A new slate roof would be installed.
8. The existing brick columns show various levels of lateral displacement across their heights such that they generally misalign across both the width and depth of the building. The existing timber posts at the western end of the building are not shown for retention and a mid-height wall and along the junction of the main shed and lean-to is badly distorted.
9. In support of the scheme the appellant has provided a 'broad brush' structural report based on a visual inspection of the existing columns and roof timbers. It identifies that one of the columns would require replacement due to the extent of leaning. Although I have no reason to contest the findings of the report its remit is limited to identifying significant structural defects. It acknowledges the limited scope whereupon other defects could be uncovered following a more extensive investigation.
10. The report recognises the offset position of the remainder of the columns and that the deflections in the end wall are a consequence of structural movement. There is no assessment of the existing foundations or of the effects of the removal of the later elements of the buildings on the columns. The document is also based on the potential use of a lightweight roof covering as opposed to the slate roof detailed in the application form.
11. Whilst it identifies that the existing roof timbers could be retained in the conversion, it is unclear on what basis they would be used and whether they

would perform any structural function. The report confirms that it contains no specification, schedule of works or definitive list of repairs.

12. The proposal would require the installation of new elevation treatments to all proposed external elevations, save for the limited area of the pillars. It would require new floors and some new foundations to support the new build. More than one third of the roof structure would be new, as would the entire roof covering. Given the degree of distortion between the columns and identified structural movement causing the end wall to deflect, I find the level of detail in relation to the likely requirement for additional structural elements to be insufficient to demonstrate the substantial nature, or otherwise, of that part of the building to be retained.
13. The extent of new works would make up the significant majority of the building. This would be to such an extent that the proposal could not be regarded as a conversion of the existing building. The degree of works required to make it habitable would be such that the existing building could not be described as 'substantial' in the context of Paragraph 146 of the Framework.
14. For the reasons set out above, I conclude that the proposal would constitute inappropriate development within the Green Belt. As such it would be contrary to Policy STRAT9 of the LP1 and Policy DM22 of the LP2.

Locations for housing

15. In the Rural Area, new market housing is limited to specified settlements listed in Policy STRAT 8 of the LP1 and local service centres. This is to direct development to the most sustainable locations, to minimise the need to travel whilst allowing housing to meet identified local needs to support thriving rural communities, and to protect the intrinsic character and beauty of the countryside.
16. The site lies outside of any identified settlement and is distant from the nearest service centre. Although the locality benefits from public transport, a footpath network, cycleways, waterways and roads, the location would not minimise the need to travel. Vehicular access would be along a narrow unlit rural road with no provisions for pedestrians. The distance to the nearby service centres is such that occupiers of the unit would be substantially dependent on private motor vehicles to conveniently access day-to-day services. This would conflict with the aims of directing housing to locations where travel needs are minimised.
17. In support of the appeal, the appellant has drawn my attention to alternative proposals that could utilise the building for commercial purposes. This could give rise to greater traffic generation or impacts on the living conditions of nearby residents. Development of that nature could be achieved through application for planning permission or under the terms of Class R of Part 3, Schedule 2 of the Town and Country Planning (General Permitted development) (England) Order 2015. Such aspects of any commercial development would be subject of further consideration by the local planning authority. However, it could align with the Council's expressed preference for economic re-uses of buildings in the countryside to support the rural economy.
18. It is therefore a realistic proposition for the site, and I acknowledge the potential for more limited travel and neighbour disturbance associated with the

proposed residential use. As a potential fallback position this is a matter to which I attach moderate weight. Accordingly, in the particular circumstances of the case, I find that the harm arising from the remote location from services and need to travel would be negligible against the potential alternative uses of the building.

19. The site lies within the Open Countryside. New residential development in the countryside is restricted to a number of identified exceptions to protect the intrinsic character and beauty of the countryside. For the reasons described above, the stated exception within Policies STRAT9 of the LP1 and DM22 relating to the re-use of existing buildings of permanent construction without major reconstruction does not apply in the circumstances of the case. The proposal would not fall within any of the other categories of acceptable development in the countryside listed in Policy STRAT9.
20. There is no dispute between the parties that the substantial removal of a typical agricultural building and replacement with a new building incorporating limited elements of the existing structure would assimilate in the locality. However, the change of use of a sizeable area of agricultural land to implement formal planting and create amenity spaces with attendant domestic paraphernalia would give rise to a significant domesticating effect on the land. This would conflict with the aim of protecting the intrinsic character and beauty of the countryside.
21. For the reasons above, I find that the effects on transport and accessibility would be negligible. However, the development would conflict with Policies STRAT8 and STRAT9 of the LP1, and Policy DM22 of the LP2 as they seek to restrict new housing development in the countryside to that meeting an identified local need and to protect the intrinsic character and beauty of the countryside.

Other considerations

22. In support of the proposed development, the appellant has directed me to a number of other buildings which have received planning permission for their conversion. These include modern agricultural sheds with various degrees of reconstruction. Although limited information is provided on the particular circumstances of each case, the majority of buildings are shown to have considerably higher levels of enclosure than the proposal scheme. An example relating to a substantially open barn pre-dates the Hibbitt judgement¹ which held that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. The re-build of buildings for alternative uses is not an exemption to inappropriate development in the Green Belt specified in the Framework.
23. Furthermore, the case is distinct from the examples provided. This is on account that it proposes only to use a part of an existing building. Of the proposed external elevations only one currently acts as an external part of the existing building and only the central section can be retained without rebuilding or introducing new structural elements. Those examples are therefore distinct from the case before me, a case I have considered on its own merits.

¹ Hibbitt v SSCLG [2016] EWHC 2853

24. According to the appellant the building type is scarce and worthy of retention. It could be enhanced to contribute to the landscape character rather than fall into disrepair. However, there is little evidence to demonstrate any architectural or particular historic merit of the building. Furthermore, there is little to suggest that alternative or continued use of the building would not take place in a manner sufficient to maintain it. I acknowledge that its retention or improvement could contribute to a designated area of special country value, however, based on the limited evidence before me, I find this it is a matter of limited weight.
25. I note that the proposal could be constructed to high standards of specification. It could include environment and eco-friendly measures and meet modern living standard requirements in close proximity to other residential development. These are matters of moderate weight.
26. Compliance with Building Regulations would be a requirement of the scheme. This or the absence of objections from third parties and are not benefits in favour of the development.

Other Matters

27. I note the concerns of the appellant in regard to some delays and difficulties in the engagement of the Council at the pre-application stage and in determining the application. However, these are not matters for this appeal.

Conclusion

28. For the above reasons, I have found that the proposal would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. In addition, I have found that the proposal would cause harm to the intrinsic character and beauty of the countryside through the domestication of agricultural land and would fail to meet any of the exceptions to new dwellings in the countryside.
29. Notwithstanding that I have found in favour of the proposal in relation to matters of transport and accessibility, I conclude that the considerations presented by the appellant with regard to decisions for barn conversions elsewhere, the benefits of retaining this particular type of building, and the ability to deliver a high quality, environmentally-friendly form of development without harm to neighbouring land uses, when taken individually or together, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist.
30. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR