



Appeal Decision

Site Visit made on 22 September 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/R0660/W/21/3269933

9 Church Farm Mews, Chester Road, Acton CW5 8FT

- 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 Mrs Lindsey Tomlinson against the decision of Cheshire East Council.
 - The application Ref 20/4516N, dated 12 October 2020, was refused by notice dated 4 December 2020.
 - The development proposed is the erection of two dwellings and two garage blocks.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is within a conservation area and close to a number of listed buildings. I am mindful of my statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeals accordingly.
3. The appellant has submitted revised drawings with the appeal, indicating changes to the roof detail of the proposed Stud House dwelling and garages. However, the Planning Inspectorate's Procedural Guide: Planning Appeals – England advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have considered the appeal on the basis of the drawings that were submitted to and considered by the Council, as to do otherwise could prejudice those who may have wished to comment on the revised proposal. For the avoidance of doubt, my decision is based on the drawings which are listed on the Council's decision notice.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have had the opportunity to comment on this during the appeal process and I have considered the appeals on the basis of the revised Framework.

Main Issues

5. The main issues are:
 - whether the site is an appropriate location for residential development, having regard to relevant local and national planning policies relating to new development in the countryside;

- the effects of the proposed development on the character and appearance of the local landscape; the character or appearance of Acton Conservation Area (ACA); the settings of the grade II listed building, Church Farm House and the grade I listed building, Church of St Mary the Virgin; and the significance of the registered battlefield of the Battle of Nantwich 1644.

Reasons

Whether the site is an appropriate location for residential development

6. The appeal relates to an area of land to the north of the access road serving Church Farm Mews and Church Farm Barns, a recent development which included the conversion of existing barns to residential use and the construction of a number of new houses. The appeal site is currently vacant, laid to grass and enclosed by railings and post and rail fencing.
7. Policy PG 6 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (the CE Local Plan) states that, within the Open Countryside, development will only be permitted in certain specified circumstances. The policy defines the Open Countryside as the area outside of any settlement with a defined settlement boundary.
8. The site is not within the settlement boundary for Acton as defined in the Borough of Crewe and Nantwich Replacement Local Plan 2011 (the CNR Local Plan). Nor is it within the Acton Settlement and Infill Boundary defined in the Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 (the NP), to which I afford great weight, as the more recently-adopted document within the development plan.
9. As the site is not within the settlement boundary for Acton, a settlement with a defined settlement boundary, the site is in the Open Countryside as defined in CE Local Plan Policy PG 6. It is also within the open countryside as defined in Policy DEV3 of the NP, which states that other than the permitted housing sites that abut Nantwich, the whole of the Parishes will be considered to be 'open countryside'. Policy DEV3 of the NP states that, outside of those sites and the Acton settlement and infill boundary, new housing will be supported that accords with Policy PG 6 of the CE Local Plan.
10. Because of its open, informal, grassed appearance, with post and rail fencing separating it from the access drive of Church Farm Mews, the site is different and distinct in character and appearance compared with the formal, landscaped gardens and domestic parking areas which are part of that adjacent residential development. Rather, the site has significantly more in common with the paddocks, enclosed by similar fencing, and open fields in the countryside to the north, and it is read as part of those adjacent countryside uses.
11. Therefore, having regard to the circumstances on the ground as well as the defined settlement boundaries in the Local Plan and the NP, I find that the site is within the open countryside for the purposes of Policy PG 6 of the CE Local Plan.
12. The supporting text to Policy PG 6 states that the protection of the open countryside from urbanising development is a principal objective of the Local Plan Strategy. CE Local Plan Policy PG 6 and CNR Local Plan Policy RES.5

identify a limited number of specified circumstances in which development in the open countryside may be permitted.

13. For the reasons given, based on the site's appearance and surroundings, I conclude that it is not within the village of Acton. Although there are buildings within the village to the south and east, the land to the north is open. The stables and barn to the west are detached from the site and are read as part of the countryside with which they are associated, not as part of the village. Therefore, the development would not be part of an otherwise built up frontage and would not constitute infill for the purposes of Policy PG 6. From the evidence before me, I do not find the proposed dwellings to be exceptional in design or sustainable development terms. Nor do the submissions indicate that any of the other exceptional circumstances in which CE Local Plan Policy PG 6 or saved CNR Local Plan Policy RES.5 may permit development in the open countryside apply in this case.
14. The site is next to the village of Acton, and I have had regard to the presence of some amenities and bus stops in the village and the possibility of walking or cycling to nearby settlements. However, for the reasons given, the site is not within the settlement of Acton and the proposal would result in the encroachment of residential development beyond the limits of that existing settlement and into the open countryside.
15. It has been suggested that the site is previously developed land, with reference to part of it having been occupied by a slurry lagoon as part of a farm. However, the definition of previously developed land in Annex 2 of the Framework excludes agricultural buildings and their curtilages. Therefore, from the evidence before me, I am not satisfied that the site comprises previously developed land.
16. In any event, for the reasons given, the development would not accord with the terms of Policy PG 6 of the CE Local Plan, Policy DEV3 of the NP or Policy RES.5 of the CNR Local Plan as set out above. It would also conflict with CE Local Plan Policies SD 1 and SD 2 insofar as they seek to protect the countryside from urbanising development and require development to respect landscape character and the natural environment. These policies are consistent with the Framework, which requires planning decisions to recognise the intrinsic character and beauty of the countryside.
17. Therefore, I conclude that the site would not be an appropriate location for residential development, having regard to relevant local and national policies relating to new development in the countryside.

Effects on the character and appearance of the ACA, the settings of nearby listed buildings and the registered battlefield

ACA - Significance

18. The ACA encompasses the village of Acton and areas of open rural land within the countryside immediately around it.
19. The site is adjacent to historic barns and newer houses at Church Farm, and opposite the village school and the Old School House. Those existing buildings and their parking, garden and play areas with associated paraphernalia are evidently part of the village and distinct in their appearance from the rural land around it, and form a strong gateway at the northern edge of the village.

20. The former barns at Church Farm have been converted to residential use. However, they remain legible as former agricultural outbuildings in their appearance. The newer houses at Church Farm Mews reflect the appearance of simple, vernacular agricultural buildings in their detailing and fenestration, and are sympathetic to the historic barns at Church Farm. As the new houses are set well back from Chester Road, views between the historic barns and the open land in the countryside to the north of the village remain. The connection between those former agricultural buildings within the village and their historic rural surroundings thus also remains legible.
21. Insofar as it relates to this appeal, the significance of the ACA is derived from the historic residential, community and agricultural buildings which make up the village, and the prevailing sense of connection between the village and its rural surroundings.
22. As set out above, in its current, undeveloped condition, the appeal site is different and distinct in appearance compared with the domestic gardens and parking areas on Church Farm Mews to the south and the Old School House to the east, and is read as part of the village's countryside surroundings. It also preserves the ongoing sense of visual connection between the historic barns at Church Farm and their open, rural surroundings. As such, in its current form, the site makes a positive contribution to the character and appearance of the ACA and to its significance.

Nearby listed buildings – settings

23. Church Farm House is a grade II listed, early 19th century farmhouse. It is located beyond Church Farm Barns, which screen the listed building in views from the site and the countryside to the north beyond. However, Church Farm House forms a courtyard with those historic barns, and its historic associations with those former barns remain legible, despite the barns' subsequent conversion to residential use. As part of the rural land around the village, which is part of the setting of the barns and the farmhouse with which they were historically associated, and which preserves a direct visual connection between the historic barns and the surrounding countryside, the site contributes to the setting of Church Farm House.
24. The site is also close to the Church of St Mary the Virgin, a grade I listed building. The church is a prominent, central feature within the village. Its tower is also a focal point in views from the surrounding countryside, and features prominently in views along the approach to Acton along Chester Road from the north, where it rises above the houses on Church Farm Mews. As part of the countryside around the village, the site has no evident functional connection with the church. However, in its current, undeveloped form, the site preserves the Church's visibility and prominence within its wider rural surroundings and contributes to its setting.

Registered battlefield – significance

25. The registered battlefield of the Battle of Nantwich 1644 was the site of a Parliamentary victory over the Royalists during the Civil War. The battlefield surrounds, and extends some distance away from, the village of Acton to the north, east and south. As much of the area within the battlefield remains as open fields, its scale remains legible. Its significance, insofar as it relates to

this appeal, is derived from its associations with the battle of Nantwich and its ongoing legibility as an open, rural landscape.

Effects on the local landscape, the ACA, nearby listed buildings and the registered battlefield

26. The two proposed houses would extend alongside and enclose the northern side of the central open space in front of Church Farm Barns and Mews and effectively form a courtyard with those existing buildings.
27. However, the proposed houses would take their access from a separate drive to the north of the site, rather than from the existing Church Farm Mews access road. Therefore, although they would have windows facing Church Farm Barns and Mews, they would turn their back on that existing complex of buildings and would be read as separate buildings rather than as an integral part of the courtyard they would create.
28. The Stud House dwelling has been designed to reflect some details on other buildings within the historic and recently-extended Church Farm Barns/Mews complex, particularly with regard to its fenestration. However, it would differ notably in other regards, including the parapets to its gables, which have no apparent reference in the existing vernacular agricultural buildings in the complex and would appear incongruous in that context.
29. Furthermore, the detailing and appearance of the proposed 'Lodge' building on the site frontage would be very formal and more reflective of the Old School House dwelling opposite the site. As such, it would appear incongruous and unduly formal in the context of, and at the entrance to, the existing complex of historic barns and more recent, sympathetically detailed, vernacular style houses at Church Farm Barns/Mews.
30. Therefore, as a result of their appearance and their layout and orientation in relation to the other buildings at Church Farm Barns and Church Farm Mews, the proposed houses would not relate well to that existing development. They would appear incongruous in that existing context and would confuse the understanding and legibility of the historic Church Farm complex.
31. Furthermore, although they would only be two storeys high, the wide frontages of the proposed houses would obstruct views between the historic barns at Church Farm and the rural land around the village beyond them. They would therefore erode the sense of connection between the historic farm complex and its wider rural surroundings.
32. As well as the proposed houses and garages, the development would also give rise to the proliferation of domestic paraphernalia such as outdoor furniture, play equipment and washing lines across the site, which would not be subject to planning control. It would therefore result in the introduction of a domestic form of development which would encroach into and erode the character of the open countryside surroundings of the village of Acton.
33. As a result, the proposed development would cause harm to the character and appearance of its surroundings, including the local landscape and the ACA. It would also fail to preserve the setting of Church Farm House which is drawn, in part, from the ongoing legibility of the historic farm complex and sense of connection between its historic barns and the farm's wider rural surroundings. That harm would not be mitigated by the provision of new landscaping or tree

planting, as the proposed houses and their domestic parking and garden areas would still be evident.

34. The proposed houses would not be so high as to disrupt views of the church tower from vantage points close to the site or further away. Therefore, and given its separation from the Church of St Mary the Virgin, the development would not harm the setting of the grade I listed church.
35. Although located at its outer edge, the site is within the boundary of the registered battlefield. In its current form, the site is read as part of the open rural land which characterises the battlefield and contributes to its sense of scale and ongoing legibility. The scale of the development would be limited in the context of the battlefield as a whole. Nevertheless, although its effects would be relatively localised, the introduction of built form onto the site would result in the incremental encroachment into the open land within the registered battlefield and gradual erosion of its legibility. It would therefore fail to preserve the significance of the registered battlefield. The harm to the appearance and legibility of the battlefield would not be overcome by archaeological recording on the site as part of the development, even if such measures could be secured by condition.

Public benefits and conclusions on the second main issue

36. Historic England did not object to the proposed development. However, I have considered the proposals on their merits, based on the evidence and my own observations, and having regard to my own statutory duties under the Act.
37. For the reasons given, I conclude that the development would cause harm to the character and appearance of the ACA, harm to the setting of the grade II listed building, Church Farm House and harm to the significance of the registered battlefield of the Battle of Nantwich 1644. Because of the scale of the development, the harm arising would be less than substantial. However, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal.
38. The development would provide two new dwellings, next to an existing village which has some local amenities and public transport links. I also note the stated intention that the houses would be provided with superfast broadband connections. The development would contribute to local housing supply. It would provide some short-term employment opportunities during construction. Future occupants may have children who may attend the nearby primary school, supporting that local facility. However, the public benefits arising in those regards from the very small-scale scheme proposed would be modest, and I afford them only limited weight.
39. The submissions indicate that the proposed dwellings would incorporate measures such as air source heat pumps, solar and heat tube panels, electric vehicle charging points and grey water recycling, and would be insulated to a high standard. I recognise the benefits of such measures, including in relation to thermal, energy and water efficiency. However, as I have little substantive detail regarding the exact specification of the proposed dwellings or the measures that would be incorporated, I cannot be certain as to the extent of those benefits which may arise or whether they could be secured for the

lifetime of the development. This limits the weight I afford to those measures as public benefits.

40. Drawing those threads together, although I recognise the potential public benefits of the scheme, they would not outweigh the harm to designated heritage assets that I have identified in this case.
41. The development would not harm the setting of the grade I listed building, Church of St Mary the Virgin. However, the absence of harm is neutral, rather than a factor to be weighed in favour of the scheme.
42. For the reasons given, I conclude that the proposed development would have an adverse effect on the character and appearance of the local landscape. It would also fail to preserve the character and appearance of the ACA, the setting of the grade II listed building, Church Farm House, and the significance of the registered battlefield of the Battle of Nantwich 1644. The harm arising would not be outweighed by the public benefits which have been put forward in support of the proposal.
43. Therefore, the development would conflict with Policies SD 1, SD 2, SE 2 and SE 7 of the CE Local Plan, Policies BE.7 and BE.17 of the CNR Local Plan and Policy HER1 of the NP. Those policies require development to contribute to protecting the built and historic environment, consider landscape and townscape character and avoid harm to heritage assets, and state that development proposals within the Nantwich battlefield will only be permitted where there would be no adverse effects on the appearance of the landscape. They are consistent with the Framework, which requires great weight to be given to the conservation of heritage assets and that developments are sympathetic to local character and history, including the surrounding landscape setting.

Other Heritage Assets

44. Glebe House, a grade II* listed former vicarage, is visible in the wider context of the site in distant views on the approach to the village. However, the appeal site does not have any apparent functional connection with the former vicarage and, given its separation from Glebe House, the development would not affect its setting.
45. The grade II listed Almshouses in St Mary's Churchyard are located to the rear of existing houses on Church Farm Mews. However, they have no direct physical or functional connection with the site and, given their separation distance from the site, the development would not affect their setting.
46. Given the separation distance between the site and the scheduled monument at Moats Lane moated site, I am satisfied that the development would not detract from the setting of the scheduled monument.

Planning Balance and Conclusion

47. I have found harm to character and appearance and to designated heritage assets, and conflict with development plan policies which relate to those matters and which seek to restrict development in the countryside. I find those policies to be consistent with the Framework, and not out of date. Furthermore, as I have found harm to heritage assets, which is not outweighed by any public benefits, the application of policies in the Framework that protect assets of

particular importance provides a clear reason for refusing the development proposed and the 'tilted balance' in paragraph 11d) of the Framework would not be engaged in any event. Therefore, the development would not comprise sustainable development as defined in paragraph 11 of the Framework.

48. The proposed development would conflict with the development plan taken as a whole. There are no material considerations which 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