



Appeal Decision

Site visit made on 28 March 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2022

Appeal Ref: APP/A0665/W/21/3288359

**Land opposite (south-east of) Holly Bank House, Poole Lane,
Thornton-le-Moors CH2 4JF**

- 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 Richard Newsham against the decision of Cheshire West and Chester Council.
 - The application Ref 21/00212/FUL, dated 11 January 2021, was refused by notice dated 27 July 2021.
 - The development proposed is the demolition of former telephone exchange building and erection of dwelling with associated car parking and amenity area.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of former telephone exchange building and erection of dwelling with associated car parking and amenity area at Land opposite (south-east of) Holly Bank House, Thornton-le-Moors CH2 4JF in accordance with the terms of the application, Ref 21/00212/FUL, dated 15 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg 2 - Drainage Protection; Dwg 3 - Existing Floor Plan; Dwg 4 - Existing Elevations; Dwg 5 - Proposed Floor Plan; Dwg 6 REV B- Proposed Elevations; and Dwg 7 - Site Plan.
 - 3) No part of the development shall be occupied until full details of the soft and hard landscaping works including boundary treatments that include hedgehog highways have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in the first available planting season after the dwelling is first occupied.
 - 4) The building hereby permitted shall not be erected above ground level until details/samples of external facing materials to be used in the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
 - 5) Before the dwelling hereby permitted is first occupied it shall be provided with electric car charging infrastructure comprising, as a minimum, one dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit. The circuit shall terminate at a three-pin

socket or BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay.

- 6) The dwelling hereby permitted shall be designed and constructed to ensure that the potential consumption of wholesome water by persons occupying a new dwelling will not exceed 110 litres per person per day.
- 7) Demolition of the building and vegetation clearance should not take place between 1 March and 31 August inclusive.

Main Issue

2. The appeal site lies within the countryside and the North Cheshire Green Belt. The existing building on the site would be replaced with a dwelling that would not be materially larger despite it not being in the same use. The proposed dwelling would not have a greater impact on openness and the proposal would not therefore be inappropriate development in the Green Belt. As such, the proposal would accord with Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) and paragraph 149g) of the National Planning Policy Framework (the Framework).
3. Consequently, the main issue is whether the proposed development would accord with the development plan strategy in respect of the location of new housing and the character and appearance of the area.

Reasons

4. LP1 Policy STRAT 2 identifies that an appropriate level of development will be brought forward in smaller rural settlements which have adequate services and facilities and access to public transport. Given the site's location outside of an identified settlement, Policy DM 19 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) sets out the Council's approach for residential development in the countryside. The proposal would replace a building on previously developed land that is not of high environmental value. In this regard, the scheme would accord with LP1 Policies STRAT 1 and STRAT 9 as well as LP2 Policy DM 19. However, these policies, along with LP1 STRAT 2, collectively require new housing to be located with adequate services and facilities and good connections to public transport.
5. The former telephone exchange building is single storey and detached in nature. It has been vacant for some time and has visibly started to deteriorate. The site is also overgrown. Whilst the site is not overly prominent due to its scale, siting and the alignment of the roads, the building and the site do not positively contribute to the character and appearance of the area.
6. Thornton-le-moors is a rural village where the historic core is centred around St Mary's Church, Thornton Green Lane and Thornton Hall. The site is to the south of Poole Lane, bound by agricultural land to the south, a farm to the south-west, and a learning and conference centre to the north-west. To the west are two and three storey detached dwellings and a row of two-storey terraced properties. Although there is a gap to these dwellings, which are of varied design and finish, the distance is modest, and a visual connection remains. The site is not isolated and would be read as part of the rural character of the village.
7. Against this backdrop, a bungalow would differ from the scale of the dwellings on Poole Lane, but given the existing building, the proposal would be of an

appropriate scale and design. It would also respond to the character of the countryside more broadly despite the dwelling being sited closer to the road. The addition of new fencing, car parking provision and domestic paraphernalia would change the site's appearance, but these modest changes would not urbanise the countryside as they would all be within the confines of the existing site. Overall, I consider that the proposal would enhance the character and appearance of the site and make effective use of the land.

8. Hayrack Church Farm is nearby. This is a farm attraction that includes a café and a butchers which offers a limited range for day-to-day needs. There is also a church and a post box. Elton, a Local Service Centre, is just over a mile away to the north-east. Persons could walk or cycle to and from Elton using the relatively new footway and cycleway along the A5117. Users would need to cross the busy A5117 at some point, but there is a pedestrian crossing point between Poole Lane and Thornton Green Lane. Bus stops offering services in either direction to Cheshire Oaks, Ellesmere Port Town and Runcorn via Elton are a short walk from the site.
9. The appellant may be employed at the nearby farm shop and could commute to and from the site on foot. However, planning decisions run with the land, so I need to consider the proposal in this context. Future occupant's journeys would likely include the use of a car, but there are options available for future occupants to be able to access facilities and services on foot, on a bicycle or by public transport.
10. Accordingly, I conclude that the proposed development would accord with the development plan strategy in respect of the location of new housing and the character and appearance of the area. As such, the appeal scheme would comply with LP1 Policies STRAT 1, STRAT 2, STRAT 8 and STRAT 9 and LP2 Policies DM 3 and DM 19. Jointly, these seek, among other things, to bring development forward in the countryside outside of identified settlements where they replace a building on previously developed land, provide good access to facilities and services and reflect the rural character of the area.

Other Matters

11. The site lies within the Thornton-le-moors Conservation Area. However, owing to the location, type, form and nature of development in the Conservation Area and that proposed, I consider that the setting and the significance of the Conservation Area would be preserved. On this basis no conflict would be caused with LP1 Policy ENV 5 and LP2 Policy DM 46. No harm would also be caused to neighbouring occupants' living conditions, their health and quality of life or highway safety. The scheme would therefore accord with LP1 Policies SOC 5 and STRAT 10 and LP2 Policy DM 2.

Conditions

12. An approved plans condition is necessary in the interests of certainty. So that the development responds to the character and appearance of the area and in the interests of biodiversity, conditions are necessary to secure details of hard and soft landscaping and materials. A condition to secure an electric vehicle charge point is necessary to encourage use of sustainable transport modes and to protect air quality. To ensure water efficiency, a condition is necessary around water consumption. To avoid the bird nesting season, a condition limiting when demolition and vegetation clearance is necessary.

13. A planning condition restricting permitted development rights is not reasonable or necessary given the shape and size of the site and the scale and form of the development. These fundamentally limit what any homeowner could carry out on the site and there are no justified reasons why further restrictions are needed for small scale domestic alterations beyond that.

Conclusion

14. The proposed development accords with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
15. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR