
Appeal Decision

Site visit made on 12 May 2022

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2022

Appeal Ref: APP/A0665/W/21/3288628

Garden Cottage, Old Coach Road, Hampton, Malpas SY14 8EB

- 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 Andrew Donaldson against the decision of Cheshire West & Chester Council.
 - The application Ref 20/03924/FUL, dated 21 October 2020, was refused by notice dated 5 October 2021.
 - The development proposed is for the construction of a garage and estate building range to include estate ancillary stores and office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

1. The main parties acknowledge that the appeal site is located within an area of open countryside. At my site visit I could see that the character of the immediate area is dominated by open fields and attractive greenery. Built forms of development are sparse with some sporadic larger buildings further afield from the appeal site including those positioned in a farmstead arrangement. I could also see the construction of the new replacement dwelling underway located close to Garden Cottage.
2. The Council has not objected to the architectural style of the appeal building which exhibits a rural character in its design. I have no reason to take a different view. Nonetheless central to the dispute before me is the appropriateness of the size and mass of the building relative to its surroundings.
3. In that regard, Policy STRAT 9: Green Belt and Countryside of the Cheshire West and Chester Local Plan (Part One) (CW&C LP1) requires an assessment to be applied if new development is of an appropriate scale and design that does not harm the character of the countryside.
4. I accept there are circumstances when larger or more substantially sized buildings can be appropriate within an open countryside location without causing visual harm, in accordance with local policy. For example, the inspector

dealing with appeal case APP/A0665/W/20/3248402 involving a replacement dwelling also covering the appeal site, has applied some of the same planning policies subject to this appeal in finding that the character and appearance of a new replacement dwelling to be appropriate. Moreover, I also recognise that there may, or may not be, other material circumstances to consider in gauging the overall benefits of a particular scheme relative to any potential harm arising.

5. The appellant has highlighted the presence of a planning condition requiring the removal of the existing modest cottage on the site in accordance with the previously determined appeal. There is nothing to suggest that the condition would not be complied with. The cottage also occupies an area where part of the appeal building is proposed. Therefore, the appeal buildings relationship with the new replacement dwelling in the process of being erected at the time of my visit is more important in gauging the appropriateness of its size and subsequent visual impact.
6. In that context, the dimensions of the appeal building would not assimilate well with the proportions of the new replacement main dwelling house. The appeal building would appear overly dominant owing because of its size and position. It would also be located where open countryside greenery rather than built development is the main attractive component of the area. The mass of the building would significantly erode from the open character and appearance of the locality.
7. I note the appellants' overarching design rationale to group buildings in close proximity to each other akin to a farmstead arrangement, also having regard to historic outbuildings. But that is not an existing characteristic of the appeal site and the resultant effect would still be visually harmful. Potential improvements achieved through a landscaping provision condition would not alleviate my concerns.
8. Moreover, although the Council's reason for refusal does not refer to the National Planning Policy Framework (the Framework), it does not prevent me from applying its content when assessing the main issue of the appeal. The development plan policies in dispute concerning character and appearance matters are consistent with its advice.
9. Accordingly, I find that the proposal because of its size, bulk and mass would have an adverse impact on the character and appearance of the area. The proposed development conflicts with Policy STRAT9 of the CW&C LP1, Policies DM3 and DM21 of the Cheshire West and Chester Local Plan (Part Two); Supplementary Planning Document: House Extensions and Domestic Outbuildings and Policy LAN3 of the No Mans Heath and District Neighbourhood Plan which collectively seek that new development respects the character of the area. It also conflicts with the aims and objectives of the Framework which seek to encourage good design.

Other considerations

10. I have carefully considered the appellants' points in relation to the need for the appeal proposal in order to allow: domestic parking; tractor storage; office facilities; storage facilitates for the maintenance and enhancement of wider estate land; and intentions to operate an organic farming business. I also acknowledge that the Council's development plan gives support towards

improving local economic and environmental conditions. As does the content of the Framework when read as a whole.

11. Nevertheless, the potential employment and environmental benefits on offer would not be compelling reasons to set aside the harm I have identified in this particular case. That is largely because there is no strong evidence to suggest that other non-visually harmful options could not be pursued. Furthermore, there is no convincing information available to suggest that the appeal proposal in the location proposed would be vital to the ongoing operation of an existing rural business to attribute substantial weight to.
12. Although storage containers used for machinery equipment on the land are referred to as being present for over ten years, I have no firm evidence demonstrating their lawfulness. Nor is it a matter which can be subject to a determination within this appeal.
13. There would be some marginal visual improvement associated to the removal of storage containers or other similar paraphernalia on the land. However, the appeal building would still introduce a long lasting change which would have a greater visual impact on the appearance and character of the open countryside. Thus, that suggested benefit carries limited weight in my overall findings.
14. In addition, it is relevant to point out that Section 66(1) of the Act requires me to have special regard to the desirability of preserving the setting of listed buildings. Old Hampton Hall is referred to in the evidence as a Grade II* listed building. The appeal building would be some distance from that property separated by an intervening field. As a consequence, I agree with the main parties that there would be no significant impact to its setting in making my overall assessment.

Planning Balance and Conclusion

15. Paragraph 12 of the Framework specifies that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Nonetheless, it also states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
16. Paragraph 47 of the Framework also advises me that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
17. Overall, bringing all relevant points together I have found there would be substantial visual harm to the character and appearance of the open countryside location. The harm I have identified conflicts with several development plan policies and there are no other reasons of sufficient weight taken either individually or collectively which leads me to any other conclusion than to dismiss the appeal.
18. For the reasons set out above the appeal fails.

M Shrigley

INSPECTOR

